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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JASON KANDER  
SECRETARY OF STATE

MISSOURI  
REGISTER

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**SECRETARY OF STATE**

**JASON KANDER**

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

MANAGING EDITOR

CURTIS W. TREAT

•

EDITOR

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•

ASSOCIATE EDITOR

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•

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•

PUBLICATION TECHNICIAN

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•

ADMINISTRATIVE ASSISTANT

ALISHA DUDENHOEFFER

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The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2013. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by email at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

# Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2013), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Hearnes Learning Resources Ctr. Missouri Western State University 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library Missouri University of Science and Technology 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
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Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
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	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 85—Division of Business and Community  
Services  
Chapter 8—Amateur Sporting Contribution Tax  
Credit Program**

**PROPOSED RULE**

**4 CSR 85-8.011 Definitions**

*PURPOSE: This rule explains the meaning of terms used in connection to the Amateur Sporting Contribution Tax Credit Program.*

(1) As used in 4 CSR 85-8.011 through 4 CSR 85-8.021, the following words shall mean:

(A) Administrative hold: Applications that would otherwise gain approval but for insufficient cap space are not approved but are held

until such time as cap space becomes available or the program sunsets;

(B) Applicant: Certified sponsor or local organizing committee;

(C) Application: All of the following, submitted together to the department:

1. A DED Form SCTCP App., included herein;

2. Proof of payment showing that the applicant received an eligible donation from the contributor; and

3. Payment for the issuance fee to the department, the issuance fee payment must be in the form of a check payable to the state of Missouri;

(D) Approved: An application that the department has determined has met all requirements necessary for the issuance of tax credits;

(E) Certified sponsor: A nonprofit organization which is an active member of the National Association of Sports Commissions;

(F) Contributor: Any one of the following:

1. A taxpayer, as that phrase is used in section 67.3000.1(16) RSMo;

2. A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under Chapter 143, RSMo;

3. A corporation subject to the annual corporation franchise tax imposed under Chapter 147, RSMo;

4. An insurance company paying an annual tax on its gross premium receipts in this state;

5. Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under Chapter 148, RSMo; or

6. An individual subject to the state income tax imposed under Chapter 143, RSMo; any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under Chapter 143, RSMo;

(G) Cap space: An amount equal to ten (10) million dollars less all tax credits issued under the program in a given fiscal year;

(H) Department: The Missouri Department of Economic Development;

(I) Denial: An application is denied when it is deemed by the department to be ineligible for tax credits;

(J) Eligible donation: Donations received by a certified sponsor or local organizing committee, from a contributor that may include cash, publicly traded stocks and bonds, and real estate that is valued with an independent third party appraisal submitted to the department along with the application. Eligible donations must be used solely to provide funding to attract sporting events to the state and cannot be conditional. There can be no right on the part of the contributor to request return of an eligible donation under any circumstances;

(K) Fiscal year: The state fiscal year, running from July through June;

(L) Issuance fee: An amount payable to the state of Missouri that is equal to one-half (1/2) of the value of the eligible donation;

(M) Local organizing committee: A nonprofit corporation or its successor in interest that—

1. Has been authorized by one (1) or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, to pursue an application and bid on its or the applicant's behalf to a site selection organization for selection as the host of one (1) or more sporting events; or

2. With the authorization of one (1) or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, executes an agreement with a site selection organization regarding a bid to host one (1) or more sporting events;

(N) Program: The Sporting Contribution Tax Credit Program found in section 67.3005, RSMo;

(O) Program sunset: The date on which the program is to end

pursuant to the Missouri Sunset Act found in section 23.253, RSMo.

(P) Proof of payment: A bank statement, canceled check, or other documentation of the eligible donation showing the transfer of property from the contributor to the applicant;

(Q) Reactivation: Taking an application off of administrative hold status;

(R) Request for reactivation: Formally asking that an application be taken off of the administrative hold status;

(S) State: The state of Missouri;

(T) Tax credits: A credit or credits issued by the department against the tax otherwise due under Chapters 143 or 148, RSMo, excluding withholding tax imposed under sections 143.191 to 143.265, RSMo, tax credits issued under this program may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit shall have the same rights in the credit as the taxpayer; and

(U) Taxpayer: Any one of the following:

1. A person, firm, partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under Chapter 143, RSMo;

2. A corporation subject to the annual corporation franchise tax imposed under Chapter 147, RSMo;

3. An insurance company paying an annual tax on its gross premium receipts in this state;

4. Any other financial institution paying taxes to the state of Missouri or any political subdivision of this state under Chapter 148, RSMo; or

5. An individual subject to the state income tax imposed under Chapter 143, RSMo; any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under Chapter 143, RSMo.



**DED Form SCTCP App**

LOG NUMBER (OFFICIAL USE ONLY)

**AMATEUR SPORTING CONTRIBUTION TAX  
CREDIT PROGRAM PROJECT PROPOSAL FORM**

**1a. APPLICANT INFORMATION**

NAME OF INDIVIDUAL OR ENTITY

**1b. TYPE OF ENTITY**

**IF APPLICANT IS A BUSINESS ENTITY:**

**Partnership**

☐ General ☐ Limited

**Corporation**

☐ Regular ☐ Subchapter S ☐ Not for Profit  
☐ Trust ☐ LLC ☐ Other (Specify):

NAME OF AUTHORIZED COMPANY OFFICIAL

TITLE

BUSINESS ADDRESS

CITY/TOWN

STATE

ZIP CODE

TELEPHONE

FAX

TAXPAYER IDENTIFICATION NUMBER

NAICS CODE (See Definitions in Guidelines)

BUSINESS SIZE (Number of Employees Including Company Owners)

EMAIL ADDRESS

HAS THE ENTITY/INDIVIDUAL (1a) EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

**2. PROJECT CONTACT**

☐ Applicant ☐ Owner ☐ Other (Consultant, etc.)

NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

TELEPHONE

EMAIL ADDRESS

FAX

HAS THE 'CONTACT' EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

TAXPAYER INFORMATION (PERSON OR ENTITY BEING ISSUED THE TAX CREDIT)					
<b>IF TAXPAYER IS A BUSINESS ENTITY:</b>			<b>IF TAXPAYER IS AN INDIVIDUAL TAXPAYER:</b>		
Partnership <input type="checkbox"/> General <input type="checkbox"/> Limited <input type="checkbox"/> Other (specify) _____		Corporation <input type="checkbox"/> Regular <input type="checkbox"/> Subchapter S <input type="checkbox"/> Trust <input type="checkbox"/> LLC		<input type="checkbox"/> Property Owner <input type="checkbox"/> Other (specify) _____	
NAME OF AUTHORIZED COMPANY OFFICIAL		TITLE		MAILING ADDRESS	
BUSINESS ADDRESS			CITY/TOWN		
CITY/TOWN		STATE	ZIP CODE	STATE	ZIP CODE
TELEPHONE		FAX		TELEPHONE	FAX
TAXPAYER IDENTIFICATION NUMBER (OR SOCIAL SECURITY NUMBER)			SOCIAL SECURITY NUMBER		
MISSOURI TAXPAYER IDENTIFICATION NUMBER			MISSOURI TAXPAYER IDENTIFICATION NUMBER		
NAICS CODE (See Definitions in Guidelines)	BUSINESS SIZE (Number of Employees Including Company Owners)		SPOUSE SOCIAL SECURITY NUMBER (if applicable)		
EMAIL ADDRESS			EMAIL ADDRESS		
HAS THE ENTITY/INDIVIDUAL (1a) EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW? <input type="checkbox"/> YES <input type="checkbox"/> NO					
IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.					

7. ECONOMIC ACTIVITY RESULTING FROM THE USE OF TAX CREDITS		
NUMBER OF JOBS CREATED AS A RESULT OF TAX CREDITS		
NEW CONSTRUCTION JOBS	NEW CONSTRUCTION JOBS	NEW CONSTRUCTION JOBS

10. TOTAL NUMBER OF REQUESTED TAX CREDITS	
ELIGIBLE DONATION	TAX CREDITS REQUESTED

11. PARTICIPATING IN THE E-VERIFY PROGRAM?
IS THE APPLICANT (BUSINESS ENTITY) ENROLLED AND PARTICIPATING IN THE E-VERIFY PROGRAM? <input type="checkbox"/> YES <input type="checkbox"/> NO
<p>Missouri statutes (Section 285.525-285.555, RSMo) require any business entity receiving a state-administered tax credit to participate in a federal work authorization program, which enables employers to electronically verify employment eligibility with respect to employees working in connection with the activities that qualify the applicant for this program.</p> <p>To access the E-Verify website, go to: <a href="https://e-verify.uscis.gov/enroll">https://e-verify.uscis.gov/enroll</a></p>

12. ADDITIONAL DOCUMENTS REQUIRED
PLEASE SUBMIT THE FOLLOWING ADDITIONAL DOCUMENTS:
<input type="checkbox"/> Back-up documentation showing proof of the Eligible Donation. <input type="checkbox"/> A copy of the Memorandum of Understanding for the E-Verify Program <input type="checkbox"/> The Application Fee <input type="checkbox"/> Proof of Applicant Eligibility



13. OTHER INCENTIVES USED

ARE THERE OTHER LOCAL, FEDERAL, STATE OF MISSOURI TAX CREDITS OR GRANTS BEING APPLIED TOWARD THIS PROJECT?

☐ YES ☐ NO

IF YES, WHICH FEDERAL OR STATE PROGRAM? (SPECIFY AMOUNT IN SPACE PROVIDED.)

☐ Missouri Housing Development Commission \$ \_\_\_\_\_

☐ Brownfield \$ \_\_\_\_\_

☐ Enterprise Zone \$ \_\_\_\_\_

☐ New Business Facility \$ \_\_\_\_\_

☐ Federal Historic Preservation \$ \_\_\_\_\_

☐ Neighborhood Assistance \$ \_\_\_\_\_

☐ Neighborhood Preservation \$ \_\_\_\_\_

☐ Youth Opportunity \$ \_\_\_\_\_

☐ Local Community Development Block Grant \$ \_\_\_\_\_

☐ Community Development Block Grant \$ \_\_\_\_\_

☐ Other (please specify program(s) and amount) \_\_\_\_\_

**14. ASTCP – APPLICANT CERTIFICATION**

1. I certify that I am an authorized representative of the applicant and, as such, am authorized to make the statement of affirmation contained herein.
2. The information submitted by the applicant to DED in connection with this application are true and correct and such information is consistent with documents provided to lenders, other government programs, or investors. The applicant hereby authorizes DED to verify such information.
3. Neither the applicant, nor any individual with an ownership interest in the applicant:
  - a. Has committed a felony, is currently under indictment or charged with a felony, or is currently on parole or probation;
  - b. Is delinquent with respect to any non-protested federal, state or local taxes or fees;
  - c. Has filed, or is preparing to file, for bankruptcy, unless otherwise disclosed to DED; or
  - d. Has failed to fulfill any obligation under any other state or federal program, including a failure to pay as agreed any accrual upon which tax credits were issued.
4. I will inform DED, if at any time before project completion, there is any change to the certifications made in paragraphs 3(a) through 3(d) of this statement of affirmation.
5. The applicant, and any vendors the applicant will utilize to perform the work associated with the project, are registered and in good standing with the Missouri Secretary of State's Office.
6. The applicant agrees to comply with any and all agreements made pursuant to the project, upon which tax credits are issued.
7. I certify that the applicant does NOT knowingly employ any person who is an unauthorized alien and that the applicant has complied with federal law (8 U.S.C. § 1324a) requiring the examination of an appropriate document or documents to verify that each individual is not an unauthorized alien.
8. I certify that applicant is enrolled and will participate in a federal work authorization program as defined in Section 285.525(6), RSMo., with respect to employees working in connection with the activities that qualify applicant for this program. I certify that the applicant will maintain and, upon request, provide to DED documentation demonstrating applicant's participation in a federal work authorization program with respect to employees working in connection with the activities that qualify applicant for this program.
9. The applicant understands that, pursuant to section 285.530.5, RSMo, a general contractor or subcontractor of any tier shall not be liable under sections 285.525 to 285.550 when such general contractor or subcontractor contracts with its direct subcontractor who violates section 285.530.1, if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of section 285.530.1 and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.
10. I understand that if the applicant is found to have employed an unauthorized alien, applicant may subject to penalties pursuant to Sections 135.815, 285.025, and 285.535, RSMo.

**11. I certify that (check the applicable box):**

☐ I have included a copy of the executed E-Verify Program for Employment Verification Memorandum of Understanding between the company/organization and the Department of Homeland Security, United States Citizenship and Immigration Services (DHS-USCIS) and Social Security Administration.

☐ I am not a business entity as defined in Section 285.525 (1) RSMo. Section 285.525(1) defines business entity as "any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage or livelihood. The term "business entity" shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors. The term "business entity" shall include any business entity that possesses a business permit, license, or tax certificate, issued by the state, any business entity that is exempt by law from obtaining such a business permit, any business entity that is operating unlawfully without such a business permit. The term "business entity" shall not include a self-employed individual with no employees or entities utilizing the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo."

**12. By submitting this application, I acknowledge that the applicant shall comply with Amateur Sporting Events Tax Credit Program requirements. I further acknowledge that the applicant's failure to comply with the Program requirements shall result in the return to DED of any remaining unexpended tax credit proceeds and repayment to DED the monetary value of any expended tax credit proceeds**

**13. I attest to having received the Eligible Donation described above from the Taxpayer listed above. I further attest that I shall only use the Eligible Donation to fund activities directly related to attracting a Sporting Event to the State of Missouri.**

**14. I shall submit to the Taxpayer, all information necessary for the Taxpayer to comply with the Tax Credit Accountability Act by no later than May 30th of any year during the Taxpayer's reporting period under the Tax Credit Accountability Act. I agree to be liable to the Taxpayer for any penalty imposed under the Tax Credit Accountability Act as a direct result of my failure to supply information to the Taxpayer.**

**15. I certify under penalties of perjury that the above statements, information contained in the application and attachments are complete, true, and correct to the best of my knowledge. I also realize that failure to disclose material information regarding the applicant, its owners, or any other pertinent facts may result in criminal prosecution.**

APPLICANT SIGNATURE		PRINT NAME		TITLE	DATE
NOTARY PUBLIC EMBOSSEER SEAL	On this ____ day of _____, 20____, appeared _____ to me personally known to be the person who executed the above certification, and acknowledges and states on his/her oath to me that he/she executed the same for the purpose therein stated.				
	STATE OF _____		COUNTY _____		
	NOTARY PUBLIC NAME	MY COMMISSION EXPIRES	USE RUBBER STAMP IN AREA BELOW		
	NOTARY PUBLIC SIGNATURE				

**APPLICATION INSTRUCTIONS:****1. APPLICANT INFORMATION:**

**Name:** Provide the name of the individual or entity that is filing the application and will receive the tax credits. The tax credit certificate will be issued to the individual or entity entered as the applicant.

**Type of Entity:**

- If the applicant is a business entity, complete the appropriate information on the left. Check the appropriate box indicating the type of entity. Supply the name of an authorized company official and the address. Enter the entity's Taxpayer Identification Number. Supply the appropriate NAICS code (see Definitions in Guidelines). Enter the authorized company official's email address, if available. List the property owner.
- If the applicant is an individual, complete the appropriate information on the right. Check the appropriate box indicating if the individual is the property owner. Enter the individual's contact information. Supply the individual's Social Security Number and spouse's Social Security Number, if applicable. Enter the applicant's email address, if available. If the individual requesting tax credits is not the property owner, please list the owner.
- **Special Note:** For entities with flow through tax treatment (e.g., partnerships, S-corporations, etc.), on a separate sheet include the name, address, and social security number or taxpayer ID number for all persons or entities with an ownership interest. Provide the percentage ownership interest for each taxpayer as of the time of the application. If the tax credits are to be certified other than pro rata according to the proportion of ownership interest, attach an executed agreement among the partners, members, or owners documenting the alternate distribution method.

**2. PROJECT CONTACT:**

**Applicant/Owner/Other:** Check the appropriate box and specify the name and contact information of the contact person. The Project Contact may be the applicant or a third-party contact. All correspondence from DED will be sent to the Project Contact.

**3. TAXPAYER INFORMATION:**

Please contact the Taxpayer to obtain the relevant information.

**4. ECONOMIC ACTIVITY RESULTING FROM THE USE OF TAX CREDITS:**

**Anticipated Number of Jobs Created:** Enter the number of jobs expected to be created as a result of the Tax Credits; this number should include new construction, full time permanent, and part time permanent jobs.

**New Construction Jobs:** Construction-related jobs created as a result of the Tax Credits.

**Full-Time Permanent Jobs:** Full-time permanent jobs created as a result of the Tax Credits, which should not include full-time equivalent jobs made up of several part-time jobs.

**Part-Time Permanent Jobs:** Part-time permanent jobs created as a result of the Tax Credits.

**9. TOTAL NUMBER OF REQUESTED TAX CREDITS:**

**Eligible Donation:** List the Fair Market Value of the Eligible Donation at the time the Donation was made.

**Tax Credits Requested:** 50% of the Eligible Donation.

**10. PARTICIPATING IN THE E-VERIFY PROGRAM?**

Please indicate yes or no. Participation in the E-Verify Program is a prerequisite of receiving ASTCP tax credits.

**11. ADDITIONAL DOCUMENTS REQUIRED:**

**Back-up documentation:** The Applicant must provide documents demonstrating that a transfer of property occurred in order to make an Eligible Donation, and the Applicant must provide proof of the value of the Eligible Donation when applicable (see Eligible Donation in the Definitions Section).

**A copy of the Memorandum of Understanding for the E-Verify Program:** The Memorandum of Understanding must be properly executed by the Applicant.

**The Application Fee:** Provide a check payable to the State of Missouri in an amount equal to the value of the Tax Credits for which this Application is made.

**Proof of Applicant Eligibility:** Please provide back-up establishing that the Applicant is either a Certified Sponsor or a Local Organizing Committee.

**12. OTHER INCENTIVES USED:**

**Are there other State of Missouri tax credits being applied toward this project?** Select the appropriate box. If "Yes," please indicate which programs are applicable. If no other programs are being applied to the project, check "No."

**13. ASTCP – APPLICANT CERTIFICATION:**

Must be signed and notarized.

**AUTHORITY:** section 67.3005, RSMo Supp. 2013. Original rule filed Feb. 7, 2014.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 85—Division of Business and Community  
Services  
Chapter 8—Amateur Sporting Contribution Tax  
Credit Program**

**PROPOSED RULE**

**4 CSR 85-8.021 Program Administration**

**PURPOSE:** This rule explains the administration of the program cap for the Amateur Sporting Contribution Tax Credit Program.

(1) If the applicant has submitted all required documents in an application accurately and completely, the contributor associated with an application shall be issued tax credits, so long as there is cap space available in the fiscal year in which an application is to be approved.

(2) The department will not exercise its authority to require an additional fee under section 620.1900, RSMo.

(3) Complete and accurate applications shall be allocated cap space in the order received. If two (2) or more complete and accurate applications are received on the same day, a lottery will be used to determine the order in which applications will be approved.

(4) If there is insufficient cap space available in a fiscal year for an otherwise valid application to be approved, the application will be placed on administrative hold.

(A) Applications placed on administrative hold due to a lack of available cap space will not have their issuance fees processed when the applications are undergoing the approval process. Any issuance fee payment received by the department will be returned to the applicant.

(B) If cap space becomes available for an application placed on administrative hold prior to the program sunset, the application will be denied unless—

1. The applicant submits a request for reactivation within thirty (30) days following the date on which the department first sent official notification; and

2. The applicant submits a new issuance fee.

(C) Requests for reactivation will be processed in the order the underlying applications were received. If two (2) or more applications were received on the same day the requests for reactivation will be processed in the order established by a lottery.

(5) If there is only sufficient cap space available in a fiscal year for a portion of a valid application to be processed, the applicant must submit a new issuance fee to cover the portion of the award request

that has sufficient cap space available. The remaining cap space will be placed on administrative hold and will be processed as described in sections (1) through (4) of this rule.

(6) All applications on administrative hold as of the date when the program sunsets will be denied.

**AUTHORITY:** section 67.3005, RSMo Supp. 2013. Original rule filed Feb. 7, 2014.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 85—Division of Business and Community  
Services  
Chapter 9—Amateur Sporting Tax Credit Program**

**PROPOSED RULE**

**4 CSR 85-9.011 Definitions**

**PURPOSE:** The purpose of this rule is to explain the meaning of terms used in connection with the Amateur Sporting Tax Credit Program.

(1) As used in 4 CSR 85-9.011 through 4 CSR 85-9.051, the following words shall mean:

(A) Account(s) receivable: A legally enforceable claim for payment against an applicant, payable within sixty (60) days following the sporting event;

(B) Active member: An organization located in the state of Missouri, which solicits and services sports events, sports organizations, and other types of sports-related activities in that community;

(C) Admission ticket: A ticket that is purchased for face value;

(D) Amateur athlete: An individual who participates in a sporting event as a competitor, and is not compensated for participating in that sporting event; or an Olympian. Examples include: Olympic athletes and collegiate athletes participating under NCAA sponsored events;

(E) Amateur organization: An interstate organization, dedicated to promoting, organizing, or administering sporting games, or competitions among amateur athletes, athletes competing in Olympic pre-qualifying competitions, or Olympians;

(F) Applicant or applicants: One (1) or more of the following acting individually or collectively:

1. Certified sponsors;

2. Endorsing counties;

3. Endorsing municipalities;

4. Local organizing committees; or

5. Related parties to another applicant;

(G) Certified sponsor or certified sponsors: One (1) or more non-profit organizations which are active members of the National Association of Sports Commissions;

(H) Competitive bidding process: The selection system used by a site selection organization to choose the location of a sporting event.

For a bidding process to be competitive, the competition must include at least one (1) site located outside of Missouri, and the sporting event cannot be one (1) whose history would typically place it in Missouri;

(I) Construction: Any activity directly or indirectly related to the building of new improvements on real property;

(J) DED: The Missouri Department of Economic Development;

(K) Department: The Missouri Department of Economic Development;

(L) *De Minimis* ticket price: A ticket sold for less than five dollars (\$5);

(M) Director: The director of the Department of Revenue;

(N) DOR: The Department of Revenue;

(O) Eligible costs: All costs, except ineligible costs, that are:

1. Necessary for conducting a sporting event;

2. Related to the preparations necessary for conducting a sporting event;

3. The pledged obligations to a site selection organization as evidenced by a support contract for a sporting event; and

4. Costs that are associated with retrofitting a facility if necessary to accommodate the specific approved sporting event;

(P) End of a sporting event: A sporting event shall be deemed to end upon the conclusion of the sporting event; or upon the last sporting event if there are multiple sporting events being held over several days;

(Q) Endorsing county: An endorsing municipality that is also a county;

(R) Endorsing municipality or municipalities: Any city, town, incorporated village, or county that contains a site selected by a site selection organization for one (1) or more sporting events;

(S) Event notification period: A period starting no more than sixty (60) days prior to the start of a sporting event and ending no less than thirty (30) days prior to the start of a sporting event. If the sporting event is a series of sporting events covered under a single support contract, then the date of the first sporting event shall serve as the start of all the sporting events under that support contract;

(T) Face value: The sales price for a ticket that is sold at the amount printed on the face of the ticket (or disclosed in a comparable fashion in the case of an online purchase), provided that the face value is not for a *de minimis* ticket price, and the ticket is sold in the primary market;

(U) Ineligible expense: Any expense related to—

1. Construction;

2. Rehabilitation;

3. A payment to a related party;

4. A direct payment to a for-profit site selection organization;

or

5. Any accrued cost, except that accounts receivable that are paid and submitted to the DED in the sixty (60) days following the submission of the Certification of Costs shall be treated as eligible;

(V) Invoice: A descriptive list of goods and services provided, listing the sum due to be paid;

(W) Joinder agreements: An agreement entered into by one (1) or more applicants, acting individually or collectively, and a site selection organization setting out representations and assurances by each applicant in connection with the selection of a site in Missouri for the location of a sporting event;

(X) Joinder undertaking: An agreement entered into by one (1) or more applicants, acting individually or collectively, and a site selection organization that each applicant will execute a joinder agreement in the event that the site selection organization selects a site in Missouri for a sporting event;

(Y) Local organizing committee: A nonprofit corporation or its successor in interest that—

1. Has been authorized by one (1) or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, to pursue an application and bid on its or the applicant's behalf to a site selection organization regarding a bid to host

one (1) or more sporting events; or

2. With the authorization of one (1) or more certified sponsors, endorsing municipalities, or endorsing counties, acting individually or collectively, executes an agreement with a site selection organization regarding a bid to host one (1) or more sporting events;

(Z) Major regional, national, and international sports organizations: An interstate organization, dedicated to promoting, organizing, or administering sporting games, or competitions among amateur athletes;

(AA) Necessary for conducting or necessary for the conduct of: Costs or preparations shall be deemed necessary, only if the sporting event could not occur without the cost in question;

(BB) Pledged obligation: All reasonable expense that must be undertaken by an applicant, pursuant to the support contract, as a condition of hosting the sporting event;

(CC) Proof of payment: Proof of payment must be indicated with a document showing that costs were incurred by the applicant, and that funds were transferred to the payee. Proof of payment documentation may include, but is not limited to, the following:

1. A bank or credit card statement showing the transfer of funds to the payee;

2. A canceled check from a bank;

3. A title company statement showing the transfer of funds from the title company to the payee. Documentation must also be provided showing the transfer of funds from the applicant to the title company; or

4. Other documentation acceptable to the department;

(DD) Rehabilitation: The repair, renovation, restoration, or reconstruction of a building.

(EE) Related party: Any party that would be deemed a related party under IRC section 267(b) and its associated regulations;

(FF) Retrofitting: The costs (hard and soft) related to modifying the facility that is directly necessary and required to facilitate the specific sporting event. Retrofit costs are designated to be project specific and may be temporary or permanent in nature;

(GG) Site selection organization: The National Collegiate Athletic Association (NCAA); an NCAA member conference, university, or institution; the National Association of Intercollegiate Athletics (NAIA); the United States Olympic Committee (USOC); a national governing body (NGB) or international federation of a sport recognized by the USOC; the United States Golf Association (USGA); the United States Tennis Association (USTA); the Amateur Softball Association of America (ASA); other major regional, national, and international sports associations, and amateur organizations that promote, organize, or administer sporting games, or competitions; or other major regional national, and international organizations that promote or organize sporting events;

(HH) Sources and uses: A document prepared by the applicant showing the available funds that will be used to conduct the sporting event, along with all projected expenses associated with the sporting event;

(II) Sporting event: An amateur or Olympic sporting event that is competitively bid (at least one (1) of which was a bid for a location outside of Missouri) and is awarded by a site selection organization. A sporting event may include several sporting events provided those sporting events are all covered under a single support contract;

(JJ) Support contract: An event award notification, joinder undertaking, joinder agreement, or contract executed by an applicant and a site selection organization as submitted with the project proposal. All pledged obligations must be specifically listed within the support contract itself. If the support contract incorporates additional documents by reference, those additional documents must be submitted as part of the support contract in order to be considered by the DED;

(KK) Tax credit: A credit issued by the Department of Economic Development against the tax otherwise due under Chapters 143 or 148, RSMo, excluding withholding tax imposed under sections 143.191 to 143.265, RSMo.

*AUTHORITY: section 67.3000, RSMo Supp. 2013. Original rule filed Feb. 7, 2014.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 85—Division of Business and Community  
Services  
Chapter 9—Amateur Sporting Tax Credit Program**

**PROPOSED RULE**

**4 CSR 85-9.021 Application Process**

*PURPOSE: The purpose of this rule is to explain the application process for the Amateur Sporting Tax Credit Program.*

(1) The application process will be comprised of the following steps:

(A) In the project proposal step the department will—

1. Determine if the project meets the statutory criteria for eligibility;

2. Evaluate the economic impact of the sporting event upon the state of Missouri. The evaluation of economic impact will determine if the sporting event has a positive economic impact upon the state using one (1) of two (2) methods—

A. Require proof of a positive economic impact. Project proposals which include major regional, national, and international sports associations, amateur organizations, or major regional, national, and international organizations must provide data which will be analyzed by the department to find if the sporting event has a positive return of general revenue proceeds to the state in the same state fiscal year as the event. That analysis shall be performed by the department as a benefit cost analysis using data provided by the applicant in the project proposal; or

B. Meet a presumption of a positive economic impact. The department will presume that the project generates a positive economic impact if the project proposal uses any of the following site selection organizations:

(I) The National Collegiate Athletic Association (NCAA);

(II) An NCAA member conference, university, or institution;

(III) The National Association of Intercollegiate Athletics (NAIA);

(IV) The United States Olympic Committee (USOC);

(V) A national governing body (NGB) or international federation of a sport recognized by the USOC;

(VI) The United States Golf Association (USGA);

(VII) The United States Tennis Association (USTA); or

(VIII) The Amateur Softball Association of America (ASA).

3. Tax credits will be reserved for a project proposal if that project proposal meets the statutory criteria for eligibility, and the project proposal is determined to have a positive economic impact;

4. A project proposal will be denied if that project proposal either fails to meet the statutory criteria for eligibility, or if it is determined that the sporting event does not have a positive economic impact upon the state. Applicants will be informed of a denied project proposal by the department in writing;

(B) The applicant submits its support contract for department review.

1. The department will review a support contract only—

A. After reserving tax credits as part of the project proposal; or

B. In conjunction with a project proposal.

2. The department review of a support contract will include a determination of statutory compliance;

3. A project, with tax credits reserved, will be authorized to receive tax credits after a support contract is deemed to be in statutory compliance;

4. The support contract need not be made available for DED review prior to submission of the event notification, or prior to the sporting event, but in no event can approval or issuance of tax credits be made prior to receipt of an executed support contract.

(C) The event notification step in which the applicant notifies the department of an upcoming sporting event;

1. The event notification must be submitted to the department no less than thirty (30) days, and no more than sixty (60) days prior to the sporting event;

(D) The sporting event takes place.

(E) The applicant submits a cost certification in which the department determines eligibility and the potential amount of any tax credit award;

1. The cost certification must be submitted no later than thirty (30) days following the end of the sporting event or the project is denied;

2. The department and the director may determine the total number of tickets sold at face value for a sporting event within seven (7) days following the end of the sporting event;

A. If the department and the director do not determine the total number of tickets sold at face value for a sporting event, the department shall determine the number of admissions tickets sold to the event through evidence submitted by the applicant with the cost certification.

(F) No later than sixty (60) days immediately following the receipt of the cost certification, the DED will issue tax credits equal to the lesser of one hundred percent (100%) of the eligible costs incurred by the applicant, or five dollars (\$5) for each admission ticket sold to the sporting event.

*AUTHORITY: section 67.3000, RSMo Supp. 2013. Original rule filed Feb. 7, 2014.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 85—Division of Business and Community  
Services  
Chapter 9—Amateur Sporting Tax Credit Program**

**PROPOSED RULE**

**4 CSR 85-9.031 Project Proposal**

*PURPOSE: The purpose of this rule is to explain the requirements for submitting and processing a project proposal.*

- (1) The following will be included as part of the project proposal:
- (A) The Project Proposal Form, included herein;
  - (B) Identification of a presumed economic impact or a proven economic impact;
  - (C) The Memorandum of Understanding for the E-Verify Program;
  - (D) A draft copy of the support contract, if available;

(2) The department reserves the right to make reasonable request for additional documentation in order to approve or deny a Project Proposal Form;

(3) A project proposal must meet the following statutory criteria in order for the project to be reserved tax credits:

(A) There must be cap space available. The department is limited to issuing only three (3) million dollars in tax credits in a given state fiscal year. Should the DED have reached the cap for a given year, any remaining applications will be placed on administrative hold until the earlier of—

- 1. A date upon which the support contract is awarded to another city, at which point the application will be denied;
- 2. A date upon which there is cap space available due to other denials in the fiscal year covered by the application, at which point cap space will be reserved for the applicant; or
- 3. Until a date ninety (90) days following the end of the sporting event, at which point the project will be denied.

(B) A project will be denied, even if it had been previously approved, when it becomes apparent that the sporting event will not be held as indicated in the project proposal. Denied projects shall have their reserved cap space allotted to other sporting events;

(C) The applicant and site selection organizations must be valid and fit within the appropriate definitions provided under 4 CSR 85-9.011;

(D) No site for a sporting event may have been chosen prior to December 1, 2012;

(E) Completed project proposals will be reviewed in the order received.

1. Projects will be given a reservation of tax credits in the order those projects complete their review;

2. In the event two (2) or more project proposals are received on the same day, and there is insufficient cap space available, a lottery will be used to determine the order of receipt;

3. Completed project proposals received prior to April 11, 2014 will be also be reviewed in the order received, but no reservation of cap space will be made prior to April 11, 2014;

(F) No support contract will be certified unless the site selection organization has chosen to use a location in Missouri during a competitive bidding process in which at least one (1) competitive bid came from out of state; and

(G) No project proposal will result in a reservation of tax credits after August 28, 2019;

(4) A project proposal must also demonstrate a positive economic impact in order for the project to be reserved tax credit:

(A) Demonstrate proof of a positive economic impact. Project proposals which include major regional, national, and international

sports associations, amateur organizations, or major regional, national, and international organizations must provide data which will be analyzed by the department to find if the sporting event has a positive return of general revenue proceeds to the state in the same state fiscal year as the event. That analysis shall be performed by the department as a benefit cost analysis using data provided by the applicant in the project proposal; or

(B) A presumption of a positive economic impact. The department will presume that the project generates a positive economic impact if the project proposal uses any of the following site selection organizations:

- 1. The National Collegiate Athletic Association (NCAA);
- 2. An NCAA member conference, university, or institution;
- 3. The National Association of Intercollegiate Athletics (NAIA);
- 4. The United States Olympic Committee (USOC);
- 5. A national governing body (NGB) or international federation of a sport recognized by the USOC;
- 6. The United States Golf Association (USGA);
- 7. The United States Tennis Association (USTA); or
- 8. The Amateur Softball Association of America (ASA).

**MISSOURI**

Department of Economic Development

**ASTCP  
PROJECT PROPOSAL**

LOG NUMBER (OFFICIAL USE ONLY)

**AMATEUR SPORTING TAX CREDIT PROGRAM  
PROJECT PROPOSAL FORM****1a. APPLICANT INFORMATION (PERSON OR ENTITY CLAIMING THE TAX CREDIT)**NAME OF INDIVIDUAL OR ENTITY**1b. TYPE OF ENTITY****IF APPLICANT IS A BUSINESS ENTITY:**

Partnership

☐ General☐ Limited

Corporation

☐ Regular☐ Subchapter S☐ Trust☐ LLC**IF APPLICANT IS AN INDIVIDUAL TAXPAYER:**☐ Property Owner☐ Other (specify) \_\_\_\_\_

NAME OF AUTHORIZED COMPANY OFFICIAL

TITLE

MAILING ADDRESS

BUSINESS ADDRESS

CITY/TOWN

CITY/TOWN

STATE

ZIP CODE

STATE

ZIP CODE

TELEPHONE

FAX

TELEPHONE

FAX

TAXPAYER IDENTIFICATION NUMBER (OR SOCIAL SECURITY NUMBER)

SOCIAL SECURITY NUMBER

NAICS CODE (See Definitions in Guidelines)

BUSINESS SIZE (Number of Employees  
Including Company Owners)

SPOUSE SOCIAL SECURITY NUMBER (if applicable)

EMAIL ADDRESS

EMAIL ADDRESS

HAS THE ENTITY/INDIVIDUAL (1a) EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

**2. PROJECT CONTACT**☐ Applicant ☐ Owner ☐ Other (Consultant, etc.)

NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

TELEPHONE

EMAIL ADDRESS

FAX

HAS THE 'CONTACT' EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

### 3. SPORTING EVENT INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY)

TYPE OF EVENT		
EVENT ADDRESS		
CITY/TOWN	STATE	ZIP CODE
COUNTY		
EVENT DATE (Include Beginning Date and Ending Date)		

### 4. ECONOMIC IMPACT

☐ **Presumed Economic Impact – Certified Sponsor is (or will be):** (check one and provide name)

☐ NCAA   ☐ An NCAA Member Conference, University, or Institution   ☐ NAIA   ☐ USOC  
☐ NGB, or International Federation of Sport as Recognized by the USOC   ☐ USGA   ☐ USTA   ☐ ASA

*IF ANY BOX IS CHECKED UNDER PRESUMED ECONOMIC IMPACT PROCEED TO QUESTION #11*

☐ **Proven Economic Impact –Certified Sponsor is (or will be):** (check one and provide name)

☐ Major Regional, National, and International Sports Association   ☐ Amateur Organization   ☐ Major Regional, National, and International Organization

*IF ANY BOX IS CHECKED UNDER PROVEN ECONOMIC BENEFIT PROCEED TO QUESTION #5*

**Proven Economic Impact Category Applicants Only: Questions 5 – 10 provides information necessary to analyze the economic impact and cost benefit of the Sporting Event proposal for Applicants whose events do not fall under the Presumed Economic Impact category. The information includes costs that may or may not be tax credit eligible but are designed provide a complete depiction of the expenditures and activities that cause economic impact in the State. Please attach any documentation or historical information that may support your estimates and responses.**

### 5. EXPECTED MISSOURI VENUE PREPERATION ACTIVITES (ATTACH ADDITIONAL PAGES IF NECESSARY)

DATES OF VENUE PREPARATION	
TOTAL ESIMTATED COSTS OF VENUE PREPARATION (To the extent feasible, please break out the total costs into the relevant categories provided below)	TOTAL AMOUNT
MAINTENANCE COSTS	AMOUNT
CONSTRUCTION COSTS	AMOUNT
RENTAL SERVICES	AMOUNT
PROFESSIONAL SERVICES (LOCAL ADVERTISING)	AMOUNT
PROFESSIONAL SERVICES (LOCAL LEGAL COSTS)	AMOUNT
PROFESSIONAL SERVICES (LOCAL FINANCIAL COSTS)	AMOUNT
PROFESSIONAL SERVICES (OTHER)	AMOUNT
OTHER	AMOUNT
OTHER	AMOUNT

**6. EXPECTED EVENT COSTS (ATTACH ADDITIONAL PAGES IF NECESSARY)**

TOTAL ESTIMATED EVENT COSTS (To the extent feasible, please break out the total costs into the relevant categories provided below)	TOTAL AMOUNT
SECURITY	AMOUNT
RENTAL SERVICES (TYPE)	AMOUNT
RENTAL SERVICES (TYPE)	AMOUNT
PARKING	AMOUNT
OTHER	AMOUNT
OTHER	AMOUNT

**7. EXPECTED EVENT TICKET AND ATTENDANCE INFORMATION**

EXPECTED ATTENDANCE	ESTIMATED LOCAL ATTENDEES
ESTIMATED OUT-OF-STATE ATTENDEES	PROJECTED AVERAGE TICKET SALES PRICE
ESTIMATED TICKETS SOLD AT FACE VALUE	

**8. USE OF PROPERTY**

NUMBER OF JOBS CREATED AS A RESULT OF TAX CREDITS	NEW CONSTRUCTION JOBS
---	-----------------------

**9. EXPECTED VISITOR SPORTING EVENT SPENDING**

FOOD AND BEVERAGE	AMOUNT
MERCHANDISE	AMOUNT
OTHER	AMOUNT
TOTAL	AMOUNT

**10. EXPECTED VISITOR SPENDING (OUTSIDE OF THE SPORTING EVENT) – Optional- Complete Only if Response is Supported by Third Party Documentation**

RESTAURANTS	AMOUNT
HOTELS OR LOGING	AMOUNT
TRANSPORTATION (CAR RENTALS, GAS, ETC)	AMOUNT
OTHER ENTERTAINMENT	AMOUNT
OTHER	AMOUNT
TOTAL	AMOUNT

**11. TOTAL NUMBER OF REQUESTED TAX CREDITS**

ELIGIBLE COSTS		AMOUNT
ESTIMATED TICKETS SOLD AT FACE VALUE (SECTION 7 ABOVE)	NUMBER OF TICKETS MULTIPLIED BY \$5	AMOUNT
MAXIMUM TAX CREDITS		AMOUNT

## 12 PARTICIPATING IN THE E-VERIFY PROGRAM?

IS THE APPLICANT (BUSINESS ENTITY) ENROLLED AND PARTICIPATING IN THE E-VERIFY PROGRAM?

☐ YES ☐ NO

Missouri statutes (Section 285.525-285.555, RSMo) require any business entity receiving a state-administered tax credit to participate in a federal work authorization program, which enables employers to electronically verify employment eligibility with respect to employees working in connection with the activities that qualify the applicant for this program.

To access the E-Verify website, go to: <https://e-verify.uscis.gov/enroll>

## 13. ADDITIONAL DOCUMENTS REQUIRED

PLEASE SUBMIT THE FOLLOWING ADDITIONAL DOCUMENTS:

- ☐ A copy of the Support Contract for the Sporting Event, if available
- ☐ Back-up documentation showing the how the estimates for Sections 4 – 8 were arrived at. This documentation could include historical figures from previous events, historical data regarding average sales, and studies and research on the economic impact of a sporting event on an area.
- ☐ A copy of the Memorandum of Understanding for the E-Verify Program

## 14. OTHER INCENTIVES USED

ARE THERE OTHER LOCAL, FEDERAL, STATE OF MISSOURI TAX CREDITS OR GRANTS BEING APPLIED TOWARD THIS PROJECT?

☐ YES ☐ NO

IF YES, WHICH FEDERAL OR STATE PROGRAM? (SPECIFY AMOUNT IN SPACE PROVIDED.)

- |   |   |
|---|---|
| <input type="checkbox"/> Missouri Housing Development Commission \$ _____ | <input type="checkbox"/> Brownfield \$ _____                        |
| <input type="checkbox"/> Enterprise Zone \$ _____                         | <input type="checkbox"/> New Business Facility \$ _____             |
| <input type="checkbox"/> Federal Historic Preservation \$ _____           | <input type="checkbox"/> Neighborhood Assistance \$ _____           |
| <input type="checkbox"/> Neighborhood Preservation \$ _____               | <input type="checkbox"/> Youth Opportunity \$ _____                 |
| <input type="checkbox"/> Local Community Development Block Grant \$ _____ | <input type="checkbox"/> Community Development Block Grant \$ _____ |
| <input type="checkbox"/> Sporting Contribution Tax Credit \$ _____        |   |
| <input type="checkbox"/> Other (please specify program(s) and amount)     |   |

**15. ASTCP – APPLICANT CERTIFICATION**

1. I certify that I am an authorized representative of the applicant and, as such, am authorized to make the statement of affirmation contained herein.
2. The information submitted by the applicant to DED in connection with this application are true and correct and such information is consistent with documents provided to lenders, other government programs, or investors. The applicant hereby authorizes DED to verify such information.
3. Neither the applicant, nor any individual with an ownership interest in the applicant:
  - a. Has committed a felony, is currently under indictment or charged with a felony, or is currently on parole or probation;
  - b. Is delinquent with respect to any non-protested federal, state or local taxes or fees;
  - c. Has filed, or is preparing to file, for bankruptcy, unless otherwise disclosed to DED; or
  - d. Has failed to fulfill any obligation under any other state or federal program, including a failure to pay as agreed any accrual upon which tax credits were issued.
4. I will inform DED, if at any time before project completion, there is any change to the certifications made in paragraphs 3(a) through 3(d) of this statement of affirmation.
5. The applicant, and any vendors the applicant will utilize to perform the work associated with the project, are registered and in good standing with the Missouri Secretary of State's Office.
6. The applicant agrees to comply with any and all agreements made pursuant to the project, upon which tax credits are issued.
7. I certify that the applicant does NOT knowingly employ any person who is an unauthorized alien and that the applicant has complied with federal law (8 U.S.C. § 1324a) requiring the examination of an appropriate document or documents to verify that each individual is not an unauthorized alien.
8. I certify that applicant is enrolled and will participate in a federal work authorization program as defined in Section 285.525(6), RSMo., with respect to employees working in connection with the activities that qualify applicant for this program. I certify that the applicant will maintain and, upon request, provide to DED documentation demonstrating applicant's participation in a federal work authorization program with respect to employees working in connection with the activities that qualify applicant for this program.
9. The applicant understands that, pursuant to section 285.530.5, RSMo, a general contractor or subcontractor of any tier shall not be liable under sections 285.525 to 285.550 when such general contractor or subcontractor contracts with its direct subcontractor who violates section 285.530.1, if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of section 285.530.1 and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.
10. I understand that if the applicant is found to have employed an unauthorized alien, applicant may subject to penalties pursuant to Sections 135.815, 285.025, and 285.535, RSMo.

**11. I certify that (check the applicable box):**

☐ I have included a copy of the executed E-Verify Program for Employment Verification Memorandum of Understanding between the company/organization and the Department of Homeland Security, United States Citizenship and Immigration Services (DHS-USCIS) and Social Security Administration.

☐ I am not a business entity as defined in Section 285.525 (1) RSMo. Section 285.525(1) defines business entity as "any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage or livelihood. The term "business entity" shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors. The term "business entity" shall include any business entity that possesses a business permit, license, or tax certificate, issued by the state, any business entity that is exempt by law from obtaining such a business permit, any business entity that is operating unlawfully without such a business permit. The term "business entity" shall not include a self-employed individual with no employees or entities utilizing the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo."

**12. By submitting this application, I acknowledge that the applicant shall comply with Amateur Sporting Events Tax Credit Program requirements. I further acknowledge that the applicant's failure to comply with the Program requirements shall result in the return to DED of any remaining unexpended tax credit proceeds and repayment to DED the monetary value of any expended tax credit proceeds.**

**13. I certify under penalties of perjury that the above statements, information contained in the application and attachments are complete, true, and correct to the best of my knowledge. I also realize that failure to disclose material information regarding the applicant, its owners, or any other pertinent facts may result in criminal prosecution.**

APPLICANT SIGNATURE	PRINT NAME	TITLE	DATE
NOTARY PUBLIC EMBOSSER SEAL	On this _____ day of _____, 20____, appeared _____ to me personally known to be the person who executed the above certification, and acknowledges and states on his/her oath to me that he/she executed the same for the purpose therein stated.		
	STATE OF _____		COUNTY _____
	NOTARY PUBLIC NAME _____	MY COMMISSION EXPIRES _____	USE RUBBER STAMP IN AREA BELOW
	NOTARY PUBLIC SIGNATURE _____		



**APPLICATION INSTRUCTIONS:**  
**Project Proposal****1. APPLICANT INFORMATION:**

**Name:** Provide the name of the individual or entity that is filing the application and will receive the tax credits. The tax credit certificate will be issued to the individual or entity entered as the applicant.

**Type of Entity:**

- If the applicant is a business entity, complete the appropriate information on the left. Check the appropriate box indicating the type of entity. Supply the name of an authorized company official and the address. Enter the entity's Taxpayer Identification Number. Supply the appropriate NAICS code (see Definitions in Guidelines). Enter the authorized company official's email address, if available. List the property owner.
- If the applicant is an individual, complete the appropriate information on the right. Check the appropriate box indicating if the individual is the property owner. Enter the individual's contact information. Supply the individual's Social Security Number and spouse's Social Security Number, if applicable. Enter the applicant's email address, if available. If the individual requesting tax credits is not the property owner, please list the owner.
- **Special Note:** For entities with flow through tax treatment (e.g., partnerships, S-corporations, etc.), on a separate sheet include the name, address, and social security number or taxpayer ID number for all persons or entities with an ownership interest. Provide the percentage ownership interest for each taxpayer as of the time of the application. If the tax credits are to be certified other than pro rata according to the proportion of ownership interest, attach an executed agreement among the partners, members, or owners documenting the alternate distribution method.

**2. PROJECT CONTACT:**

**Applicant/Owner/Other:** Check the appropriate box and specify the name and contact information of the contact person. The Project Contact may be the applicant or a third-party contact. All correspondence from DED will be sent to the Project Contact.

**3. SPORTING EVENT INFORMATION:**

**Note:** If more than one Sporting Event is being applied for, please include a separate spreadsheet listing each separate Sporting Event. The spreadsheet should list all information in this section for each Sporting Event.

**Type of Event:** Please list the sport that will be played at the Sporting Event.

**Address:** Enter the address of the project site, including city/town, state, zip code, and county.

**Event Date:** Please list the date that the sporting event will be held. If no exact date for the event has been given, please give the narrowest possible range of dates.

**4. ECONOMIC IMPACT:**

**Note:** Indicate by checking the appropriate box and entering the entities Name, based upon the type of Sporting Event Site Selection Organization, whether or not your Sporting Event Proposal falls into the category of Presumed Economic Impact or Proven Economic Impact.

**Note:** Applicants with a Presumed Economic Impact may proceed to Question #11. Applicants requiring a Proven Economic Impact must respond to Questions 5-10.

**Note:** For questions 5-10, please provide the best estimate possible. Attach any supporting documentation that assists in verifying or indicating the methodology used for calculating the estimate. Relevant documents may include: historical figures from previous events site studies or surveys, or other documents available.



**5. EXPECTED MISSOURI VENUE PREPARATION ACTIVITIES:**

**Note:** Not all venue preparation activities are Eligible Costs. We are asking for this information in order to better gauge the economic impact of the Sporting Event upon the state. If you need additional space, please feel free to add additional pages. With all categories listed, we are looking for money that will be spent in Missouri. Please provide a brief description of the activity to be performed in the appropriate space provided.

**Dates of Venue Preparation:** List the date range for the preparation activities.

**6. EXPECTED EVENT COSTS:**

**Note:** Not all event costs are Eligible Costs. We are asking for this information in order to better gauge the economic impact of the Sporting Event upon the state. If you need additional space, please feel free to add additional pages. With all categories listed, we are looking for money that will be spent in Missouri. Please provide a brief description of the activity to be performed in the appropriate space provided.

**7. EXPECTED EVENT TICKET AND ATTENDANCE INFORMATION:**

**Expected Attendance:** The total number of spectators (including spectators paying less than Face Value for their tickets) expected at the event.

**Estimated Local Attendees:** The total number of spectators expected to come from within a ninety miles radius of the Sporting Event.

**Estimated Out-of-State Attendees:** The total number of spectators expected to come from out of state.

**Estimated Average Ticket Sales Price:** The average Face Value of all tickets to be sold at the Sporting Event.

**Estimated Tickets Sold at Face Value:** The total number of tickets sold for Face Value, as defined in the definitions section of the Guidelines.

**8. USE OF PROPERTY:**

**Anticipated Number of Jobs Created:** Enter the number of jobs expected to be created as a result of the Tax Credits, this number should include new construction, full time permanent, and part time permanent jobs.

**New Construction Jobs:** Construction-related jobs created as a result of the Tax Credits.

**Full-Time Permanent Jobs:** Full-time permanent jobs created as a result of the Tax Credits, should not include full-time equivalent jobs made up of several part-time jobs.

**Part-Time Permanent Jobs:** Part-time permanent jobs created as a result of the Tax Credits.

**9. EXPECTED VISITOR EVENT SPENDING:**

**Note:** We are asking for this information in order to better gauge the economic impact of the Sporting Event upon the state. If you need additional space, please feel free to add additional pages. With all categories listed, we are looking for money that will be spent at the Event Location and during the period immediately before, during, and after the Sporting Event. Please provide a brief description of the activity to be performed in the appropriate space provided.

**10. EXPECTED VISITOR SPENDING (Outside the Sporting Event):**

**Note:** This question is optional and should only be provided if there is an availability of Supporting Documentation. We are asking for this information in order to better gauge the economic impact of the Sporting Event upon the state. If you need additional space, please feel free to add additional pages. With all categories listed, we are looking for money that will be spent outside the Location of the Sporting Event. Please provide a brief description of the activity to be performed in the appropriate space provided.

**11. TOTAL NUMBER OF REQUESTED TAX CREDITS:**

**Eligible Costs:** List the estimated dollar value for all expected eligible costs.

**Estimated Tickets Sold at Face Value:** List the estimated number of Sporting Event tickets that will be sold at Face Value.

**Number of Tickets Multiplied by \$5:** Multiply the number of Estimated Tickets Sold at Face Value by \$5.

**Maximum Tax Credits:** Enter the lesser of Eligible Costs and the Number of Tickets Multiplied by \$5.

**12. PARTICIPATING IN THE E-VERIFY PROGRAM?**

Please indicate yes or no. Participation in the E-Verify Program is a prerequisite of receiving ASTCP tax credits.

**13. ADDITIONAL DOCUMENTS REQUIRED:**

**A copy of the draft Support Contract for the Sporting Event (if available):** Please submit a draft of the event award notification, Joinder Undertaking, Joinder Agreement, or contract to be used by the Applicant and Site Selection Organization

**Back-up documentation:** See the individual Supporting Documentation listings under the individual sections above.

**A copy of the Memorandum of Understanding for the E-Verify Program:** The Memorandum of Understanding must be properly executed by the Applicant.

**A copy of the Sources and Uses for the Sporting Event:** The Applicant must show the available funds that will be used to conduct the Sporting Event, along with all projected expenses associated with the Sporting Event.

**Executed financing agreements:** The agreements can take the form of letters of credit, bank statements, or other documents showing that the project will have sufficient funding to take place.

**14. OTHER INCENTIVES USED:**

**Are there other State of Missouri tax credits being applied toward this project?** Select the appropriate box. If "Yes," please indicate which programs are applicable. If no other programs are being applied to the project, check "No."

**15. ASTCP – APPLICANT CERTIFICATION:**

Must be signed and notarized.

*AUTHORITY: section 67.3000, RSMo Supp. 2013. Original rule filed Feb. 7, 2014.*

petitive bidding process in which at least one (1) competitive bid came from out of state.

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 85—Division of Business and Community  
Services  
Chapter 9—Amateur Sporting Tax Credit Program**

**PROPOSED RULE**

**4 CSR 85-9.035 Support Contract**

*PURPOSE: The purpose of this rule is to explain the requirements for a properly submitted support contract.*

(1) The following will be included as part of the support contract submission:

- (A) The Support Contract Submission Form, included herein; and
- (B) A final executed copy of the support contract.

(2) The department reserves the right to make reasonable request for additional documentation in order to approve or deny a Support Contract Submission Form.

(3) A project proposal must meet the following statutory criteria in order for the project to be approved for tax credits:

(A) There must be cap space available. If your project was given a reservation of tax credits at the project proposal stage, you will already have cap space allocated to your sporting event and department will review your support contract for statutory compliance;

(B) You can submit a project proposal along with a support contract submission;

(C) If the program cap has been reached, and your support contract submission would have been otherwise approved, your sporting event will be placed on administrative hold until the earlier of—

1. A date upon which there is cap space available due to other denials in the fiscal year covered by the application, at which point cap space will be reserved for the applicant; or

2. Until a date ninety (90) days following the end of the sporting event, at which point the project will be denied;

(D) A project will be denied, even if it had been previously approved, when it becomes apparent that the sporting event will not be held as indicated in the support contract. Denied projects shall have their reserved cap space allotted to other sporting events;

(E) The applicant and site selection organizations must be valid and fit within the appropriate definitions provided under 4 CSR 85-9.011;

(F) No site for a sporting event may have been chosen prior to December 1, 2012, and no support contract will be approved after August 28, 2019; and

(G) No support contract will be certified unless the site selection organization has chosen to use a location in Missouri during a com-

**MISSOURI**  
Department of Economic Development

**ASTCP**  
**Support Contract**

LOG NUMBER (OFFICIAL USE ONLY)

**AMATEUR SPORTING TAX CREDIT PROGRAM**  
**SUPPORT CONTRACT SUBMISSION FORM**

**1a. APPLICANT INFORMATION (PERSON OR ENTITY CLAIMING THE TAX CREDIT)**

NAME OF INDIVIDUAL OR ENTITY

**1b. TYPE OF ENTITY**

**IF APPLICANT IS A BUSINESS ENTITY:**

Partnership

☐ General

☐ Limited

Corporation

☐ Regular

☐ Subchapter S

☐ Trust

☐ LLC

**IF APPLICANT IS AN INDIVIDUAL TAXPAYER:**

☐ Property Owner

☐ Other (specify) \_\_\_\_\_

NAME OF AUTHORIZED COMPANY OFFICIAL

TITLE

MAILING ADDRESS

BUSINESS ADDRESS

CITY/TOWN

CITY/TOWN

STATE

ZIP CODE

STATE

ZIP CODE

TELEPHONE

FAX

TELEPHONE

FAX

TAXPAYER IDENTIFICATION NUMBER (OR SOCIAL SECURITY NUMBER)

SOCIAL SECURITY NUMBER

NAICS CODE (See Definitions in Guidelines)

BUSINESS SIZE (Number of Employees  
Including Company Owners)

SPOUSE SOCIAL SECURITY NUMBER (if applicable)

EMAIL ADDRESS

EMAIL ADDRESS

HAS THE ENTITY/INDIVIDUAL (1a) EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

**2. PROJECT CONTACT**

☐ Applicant ☐ Owner ☐ Other (Consultant, etc.)

NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

TELEPHONE

EMAIL ADDRESS

FAX

HAS THE 'CONTACT' EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

3. SPORTING EVENT INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY)			
TYPE OF EVENT			
EVENT ADDRESS			
CITY/TOWN	STATE	ZIP CODE	
COUNTY			
EVENT DATE			
4. ADDITIONAL DOCUMENTS REQUIRED			
PLEASE SUBMIT THE FOLLOWING ADDITIONAL DOCUMENTS:			
<input type="checkbox"/> A copy of the Support Contract for the Sporting Event			
<input type="checkbox"/> Explanation of any changes or updates to the Project Proposal			

**APPLICATION INSTRUCTIONS:**  
**Support Contract Submission****1. APPLICANT INFORMATION:**

**Name:** Provide the name of the individual or entity that is filing the application and will receive the tax credits. The tax credit certificate will be issued to the individual or entity entered as the applicant.

**Type of Entity:**

- If the applicant is a business entity, complete the appropriate information on the left. Check the appropriate box indicating the type of entity. Supply the name of an authorized company official and the address. Enter the entity's Taxpayer Identification Number. Supply the appropriate NAICS code (see Definitions in Guidelines). Enter the authorized company official's email address, if available. List the property owner.
- If the applicant is an individual, complete the appropriate information on the right. Check the appropriate box indicating if the individual is the property owner. Enter the individual's contact information. Supply the individual's Social Security Number and spouse's Social Security Number, if applicable. Enter the applicant's email address, if available. If the individual requesting tax credits is not the property owner, please list the owner.
- **Special Note:** For entities with flow through tax treatment (e.g., partnerships, S-corporations, etc.), on a separate sheet include the name, address, and social security number or taxpayer ID number for all persons or entities with an ownership interest. Provide the percentage ownership interest for each taxpayer as of the time of the application. If the tax credits are to be certified other than pro rata according to the proportion of ownership interest, attach an executed agreement among the partners, members, or owners documenting the alternate distribution method.

**2. PROJECT CONTACT:**

**Applicant/Owner/Other:** Check the appropriate box and specify the name and contact information of the contact person. The Project Contact may be the applicant or a third-party contact. **All correspondence from DED will be sent to the Project Contact.**

**3. SPORTING EVENT INFORMATION:**

**Note:** If more than one Sporting Event is being applied for, please include a separate spreadsheet listing each separate Sporting Event. The spreadsheet should list all information in this section for each Sporting Event.

**Type of Event:** Please list the sport that will be played at the Sporting Event.

**Address:** Enter the address of the project site, including city/town, state, zip code, and county.

**Event Date:** Please list the date that the sporting event will be held. If no exact date for the event has been given, please give the narrowest possible range of dates.

**4. ADDITIONAL DOCUMENTS REQUIRED:**

**A copy of the Support Contract for the Sporting Event:** Please submit the event award notification, Joinder Undertaking, Joinder Agreement, or contract executed by an Applicant and a Site Selection Organization

**Explanation of any changes or updates to the Project Proposal:** Please submit an explanation of any changes or updates to your Project Proposal, such an update can come in the form of an amended Project Proposal.

*AUTHORITY: section 67.3000, RSMo Supp. 2013. Original rule filed Feb. 7, 2014.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 85—Division of Business and Community  
Services  
Chapter 9—Amateur Sporting Tax Credit Program**

**PROPOSED RULE**

**4 CSR 85-9.041 Event Notification**

*PURPOSE: The purpose of this rule is to explain the requirements for an event notification.*

- (1) The following will be included as part of the event notification:
  - (A) The Event Notification Form, included herein; and
  - (B) The schedule of prices for the sporting event.
- (2) The event notification must be submitted to the department no earlier than thirty (30) days, and no more than sixty (60) days prior to the sporting event.



## ASTCP EVENT NOTIFICATION

LOG NUMBER

### AMATEUR SPORTING TAX CREDIT PROGRAM EVENT NOTIFICATION

#### 1a. APPLICANT INFORMATION (PERSON OR ENTITY CLAIMING THE TAX CREDIT)

NAME OF INDIVIDUAL OR ENTITY

#### 1b. TYPE OF ENTITY

##### IF APPLICANT IS A BUSINESS ENTITY:

Partnership

☐ General☐ Limited

Corporation

☐ Regular☐ Subchapter S☐ Trust☐ LLC

##### IF APPLICANT IS AN INDIVIDUAL TAXPAYER:

☐ Property Owner☐ Other (specify) \_\_\_\_\_

NAME OF AUTHORIZED COMPANY OFFICIAL

TITLE

MAILING ADDRESS

BUSINESS ADDRESS

CITY/TOWN

CITY/TOWN

STATE

ZIP CODE

STATE

ZIP CODE

TELEPHONE

FAX

TELEPHONE

FAX

TAXPAYER IDENTIFICATION NUMBER (OR SOCIAL SECURITY NUMBER)

SOCIAL SECURITY NUMBER

NAICS CODE (See Definitions in Guidelines)

BUSINESS SIZE (Number of Employees  
Including Company Owners)

SPOUSE SOCIAL SECURITY NUMBER (if applicable)

EMAIL ADDRESS

EMAIL ADDRESS

HAS THE ENTITY/INDIVIDUAL (1a) EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

#### 2. PROJECT CONTACT

☐ Applicant ☐ Owner ☐ Other (Consultant, etc.)

NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

TELEPHONE

EMAIL ADDRESS

FAX

HAS THE 'CONTACT' EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.



<b>3. SPORTING EVENT INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY)</b>		
TYPE OF EVENT		
EVENT ADDRESS		
CITY/TOWN	STATE	ZIP CODE
COUNTY		
EVENT DATE		
<b>4. EXPECTED EVENT TICKET AND ATTENDANCE INFORMATION (ATTACH ADDITIONAL PAGES IF NEEDED)</b>		
EXPECTED ATTENDANCE	ESTIMATED LOCAL ATTENDEES	
ESTIMATED OUT-OF-STATE ATTENDEES	ESTIMATED TICKETS SOLD AT FACE VALUE	
ARE LOCAL SPORTS TEAMS LIKELY TO PARTICIPATE IN THE SPORTING EVENT?	IF SO, WHAT TEAMS?	

**APPLICATION INSTRUCTIONS:**  
**Event Notification****1. APPLICANT INFORMATION:**

**Name:** Provide the name of the individual or entity that is filing the application and will receive the tax credits. The tax credit certificate will be issued to the individual or entity entered as the applicant.

**Type of Entity:**

- If the applicant is a business entity, complete the appropriate information on the left. Check the appropriate box indicating the type of entity. Supply the name of an authorized company official and the address. Enter the entity's Taxpayer Identification Number. Supply the appropriate NAICS code (see Definitions in Guidelines). Enter the authorized company official's email address, if available. List the property owner.
- If the applicant is an individual, complete the appropriate information on the right. Check the appropriate box indicating if the individual is the property owner. Enter the individual's contact information. Supply the individual's Social Security Number and spouse's Social Security Number, if applicable. Enter the applicant's email address, if available. If the individual requesting tax credits is not the property owner, please list the owner.
- **Special Note:** For entities with flow through tax treatment (e.g., partnerships, S-corporations, etc.), on a separate sheet include the name, address, and social security number or taxpayer ID number for all persons or entities with an ownership interest. Provide the percentage ownership interest for each taxpayer as of the time of the application. If the tax credits are to be certified other than pro rata according to the proportion of ownership interest, attach an executed agreement among the partners, members, or owners documenting the alternate distribution method.

**2. PROJECT CONTACT:**

**Applicant/Owner/Other:** Check the appropriate box and specify the name and contact information of the contact person. The Project Contact may be the applicant or a third-party contact. All correspondence from DED will be sent to the Project Contact.

**3. SPORTING EVENT INFORMATION:**

**Note:** If more than one Sporting Event is being applied for, please include a separate spreadsheet listing each separate Sporting Event. The spreadsheet should list all information in this section for each Sporting Event.

**Type of Event:** Please list the sport that will be played at the Sporting Event.

**Address:** Enter the address of the project site, including city/town, state, zip code, and county.

**Event Date:** Please list the specific date or dates when the sporting event(s) will be held. If an alternative date will be used for reasons such as inclement weather, please list such dates. The Event Notification must be submitted to the DED during the Event Notification Period as defined above. The Event Date Listed in the Event Notification must be consistent with the Event Date listed in the Project Proposal.

**4. EXPECTED EVENT TICKET AND ATTENDANCE INFORMATION:**

**Expected Attendance:** The total number of spectators (including spectators paying less than Face Value for their tickets) expected at the event.

**Estimated Local Attendees:** The total number of spectators expected to come from within a ninety miles radius of the Sporting Event.

**Estimated Out-of-State Attendees:** The total number of spectators expected to come from out of state.

**Estimated Tickets Sold at Face Value:** The total number of tickets sold for Face Value, as defined in the definitions section of the Guidelines.

*AUTHORITY: section 67.3000, RSMo Supp. 2013. Original rule filed Feb. 7, 2014.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 85—Division of Business and Community  
Services  
Chapter 9—Amateur Sporting Tax Credit Program**

**PROPOSED RULE**

**4 CSR 85-9.051 Cost Certification**

*PURPOSE: The purpose of this rule is to explain the process for submitting and approval of a final application.*

- (1) The following will be included as part of the final application:
  - (A) The Final Application Form, included herein;
  - (B) The eligible cost listing, or listings; and
  - (C) Documentation of qualified expenses.
- (2) The department reserves the right to make reasonable requests for additional documentation.
- (3) The Department of Economic Development (DED) will use the information submitted to determine the final amount of tax credits to be issued. Tax credits will be issued in an amount equal to the lesser of—
  - (A) The one hundred percent (100%) of eligible costs incurred by the applicant; or
  - (B) Five dollars (\$5) in tax credits for each admissions ticket sold for the sporting event.
- (4) The eligibility of each cost shall be determined based upon a review of the costs submitted by the applicant. For tax credits to be issued on an eligible cost, that eligible cost must—
  - (A) Be supported by a valid proof of payment;
  - (B) Be supported by a valid invoice or itemized in a support contract; and
  - (C) Be listed on an Eligible Cost Listing Form.



## ASTCP COST CERTIFICATION

LOG NUMBER (OFFICIAL USE ONLY)

### AMATEUR SPORTING TAX CREDIT PROGRAM COST CERTIFICATION FORM

#### 1a. APPLICANT INFORMATION (PERSON OR ENTITY CLAIMING THE TAX CREDIT)

NAME OF INDIVIDUAL OR ENTITY

#### 1b. TYPE OF ENTITY

##### IF APPLICANT IS A BUSINESS ENTITY:

Partnership

☐ General☐ Limited

Corporation

☐ Regular☐ Subchapter S☐ Trust☐ LLC

##### IF APPLICANT IS AN INDIVIDUAL TAXPAYER:

☐ Property Owner☐ Other (specify) \_\_\_\_\_

NAME OF AUTHORIZED COMPANY OFFICIAL

TITLE

MAILING ADDRESS

BUSINESS ADDRESS

CITY/TOWN

CITY/TOWN

STATE

ZIP CODE

STATE

ZIP CODE

TELEPHONE

FAX

TELEPHONE

FAX

TAXPAYER IDENTIFICATION NUMBER (OR SOCIAL SECURITY NUMBER)

SOCIAL SECURITY NUMBER

NAICS CODE (See Definitions in Guidelines)

BUSINESS SIZE (Number of Employees  
Including Company Owners)

SPOUSE SOCIAL SECURITY NUMBER (if applicable)

EMAIL ADDRESS

EMAIL ADDRESS

HAS THE ENTITY/INDIVIDUAL (1a) EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

#### 2. PROJECT CONTACT

☐ Applicant ☐ Owner ☐ Other (Consultant, etc.)

NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

TELEPHONE

EMAIL ADDRESS

FAX

HAS THE 'CONTACT' EVER BEEN CONVICTED OF A VIOLATION OF THE LAWS OF ANY STATE AND, OR FEDERAL LAW?

☐ YES ☐ NO

IF YES, PROVIDE THE DATE, THE COURT, THE CHARGES AT DISPOSITION AND THE CASE NUMBER.

### 3. SPORTING EVENT INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY)

TYPE OF EVENT		
EVENT ADDRESS		
CITY/TOWN	STATE	ZIP CODE
COUNTY		
EVENT DATE		

### 4. TOTAL NUMBER OF REQUESTED TAX CREDITS

ELIGIBLE COSTS		AMOUNT
ESTIMATED TICKETS SOLD AT FACE VALUE (SECTION 6 ABOVE)	NUMBER OF TICKETS MULTIPLIED BY \$5	AMOUNT
MAXIMUM TAX CREDITS		AMOUNT

### 5. OTHER INCENTIVES USED

ARE THERE OTHER LOCAL, FEDERAL, STATE OF MISSOURI TAX CREDITS OR GRANTS BEING APPLIED TOWARD THIS PROJECT?

☐ YES ☐ NO

IF YES, WHICH FEDERAL OR STATE PROGRAM? (SPECIFY AMOUNT IN SPACE PROVIDED.)

<input type="checkbox"/> Missouri Housing Development Commission \$ _____	<input type="checkbox"/> Brownfield \$ _____
<input type="checkbox"/> Enterprise Zone \$ _____	<input type="checkbox"/> New Business Facility \$ _____
<input type="checkbox"/> Federal Historic Preservation \$ _____	<input type="checkbox"/> Neighborhood Assistance \$ _____
<input type="checkbox"/> Neighborhood Preservation \$ _____	<input type="checkbox"/> Youth Opportunity \$ _____
<input type="checkbox"/> Local Community Development Block Grant \$ _____	<input type="checkbox"/> Community Development Block Grant \$ _____
<input type="checkbox"/> Other (please specify program(s) and amount) _____	

### 6. PARTICIPATING IN THE E-VERIFY PROGRAM?

IS THE APPLICANT (BUSINESS ENTITY) ENROLLED AND PARTICIPATING IN THE E-VERIFY PROGRAM?

☐ YES ☐ NO

Missouri statutes (Section 285.525-285.555, RSMo) require any business entity receiving a state-administered tax credit to participate in a federal work authorization program, which enables employers to electronically verify employment eligibility with respect to employees working in connection with the activities that qualify the applicant for this program.

To access the E-Verify website, go to: <https://e-verify.uscis.gov/enroll>

### 7. ADDITIONAL DOCUMENTS REQUIRED

PLEASE SUBMIT THE FOLLOWING ADDITIONAL DOCUMENTS:

- ☐ A copy of the Eligible Cost Listing(s)
- ☐ Backup documentation for the expenses claimed on the Cost Certification Form.

**8. ASTCP – APPLICANT CERTIFICATION**

1. I certify that I am an authorized representative of the applicant and, as such, am authorized to make the statement of affirmation contained herein.
2. The information submitted by the applicant to DED in connection with this application are true and correct and such information is consistent with documents provided to lenders, other government programs, or investors. The applicant hereby authorizes DED to verify such information.
3. Neither the applicant, nor any individual with an ownership interest in the applicant:
  - a. Has committed a felony, is currently under indictment or charged with a felony, or is currently on parole or probation;
  - b. Is delinquent with respect to any non-protested federal, state or local taxes or fees;
  - c. Has filed, or is preparing to file, for bankruptcy, unless otherwise disclosed to DED; or
  - d. Has failed to fulfill any obligation under any other state or federal program, including a failure to pay as agreed any accrual upon which tax credits were issued.
4. I will inform DED, if at any time before project completion, there is any change to the certifications made in paragraphs 3(a) through 3(d) of this statement of affirmation.
5. The applicant, and any vendors the applicant will utilize to perform the work associated with the project, are registered and in good standing with the Missouri Secretary of State's Office.
6. The applicant agrees to comply with any and all agreements made pursuant to the project, upon which tax credits are issued.
7. I certify that the applicant does NOT knowingly employ any person who is an unauthorized alien and that the applicant has complied with federal law (8 U.S.C. § 1324a) requiring the examination of an appropriate document or documents to verify that each individual is not an unauthorized alien.
8. I certify that applicant is enrolled and will participate in a federal work authorization program as defined in Section 285.525(6), RSMo., with respect to employees working in connection with the activities that qualify applicant for this program. I certify that the applicant will maintain and, upon request, provide to DED documentation demonstrating applicant's participation in a federal work authorization program with respect to employees working in connection with the activities that qualify applicant for this program.
9. The applicant understands that, pursuant to section 285.530.5, RSMo, a general contractor or subcontractor of any tier shall not be liable under sections 285.525 to 285.550 when such general contractor or subcontractor contracts with its direct subcontractor who violates section 285.530.1, if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of section 285.530.1 and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.
10. I understand that if the applicant is found to have employed an unauthorized alien, applicant may subject to penalties pursuant to Sections 135.815, 285.025, and 285.535, RSMo.

**11. I certify that (check the applicable box):**

☐ I have included a copy of the executed E-Verify Program for Employment Verification Memorandum of Understanding between the company/organization and the Department of Homeland Security, United States Citizenship and Immigration Services (DHS-USCIS) and Social Security Administration.

☐ I am not a business entity as defined in Section 285.525 (1) RSMo. Section 285.525(1) defines business entity as "any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage or livelihood. The term "business entity" shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors. The term "business entity" shall include any business entity that possesses a business permit, license, or tax certificate, issued by the state, any business entity that is exempt by law from obtaining such a business permit, any business entity that is operating unlawfully without such a business permit. The term "business entity" shall not include a self-employed individual with no employees or entities utilizing the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo."

**12. By submitting this application, I acknowledge that the applicant shall comply with Amateur Sporting Events Tax Credit Program requirements. I further acknowledge that the applicant's failure to comply with the Program requirements shall result in the return to DED of any remaining unexpended tax credit proceeds and repayment to DED the monetary value of any expended tax credit proceeds.**

**13. I certify under penalties of perjury that the above statements, information contained in the application and attachments are complete, true, and correct to the best of my knowledge. I also realize that failure to disclose material information regarding the applicant, its owners, or any other pertinent facts may result in criminal prosecution.**

APPLICANT SIGNATURE	PRINT NAME	TITLE	DATE
NOTARY PUBLIC EMBOSSEER SEAL	On this ____ day of _____, 20____, appeared _____ to me personally known to be the person who executed the above certification, and acknowledges and states on his/her oath to me that he/she executed the same for the purpose therein stated.		
	STATE OF _____		COUNTY _____
	NOTARY PUBLIC NAME	MY COMMISSION EXPIRES	USE RUBBER STAMP IN AREA BELOW
	NOTARY PUBLIC SIGNATURE		



**APPLICATION INSTRUCTIONS:**  
**COST CERTIFICATION****1. APPLICANT INFORMATION:**

**Name:** Provide the name of the individual or entity that is filing the application and will receive the tax credits. The tax credit certificate will be issued to the individual or entity entered as the applicant.

**Type of Entity:**

- If the applicant is a business entity, complete the appropriate information on the left. Check the appropriate box indicating the type of entity. Supply the name of an authorized company official and the address. Enter the entity's Taxpayer Identification Number. Supply the appropriate NAICS code (see Definitions in Guidelines). Enter the authorized company official's email address, if available. List the property owner.
- If the applicant is an individual, complete the appropriate information on the right. Check the appropriate box indicating if the individual is the property owner. Enter the individual's contact information. Supply the individual's Social Security Number and spouse's Social Security Number, if applicable. Enter the applicant's email address, if available. If the individual requesting tax credits is not the property owner, please list the owner.
- **Special Note:** For entities with flow through tax treatment (e.g., partnerships, S-corporations, etc.), on a separate sheet include the name, address, and social security number or taxpayer ID number for all persons or entities with an ownership interest. Provide the percentage ownership interest for each taxpayer as of the time of the application. If the tax credits are to be certified other than pro rata according to the proportion of ownership interest, attach an executed agreement among the partners, members, or owners documenting the alternate distribution method.

**2. PROJECT CONTACT:**

**Applicant/Owner/Other:** Check the appropriate box and specify the name and contact information of the contact person. The Project Contact may be the applicant or a third-party contact. All correspondence from DED will be sent to the Project Contact.

**3. SPORTING EVENT INFORMATION:**

**Note:** If more than one Sporting Event is being applied for, please include a separate spreadsheet listing each separate Sporting Event. The spreadsheet should list all information in this section for each Sporting Event.

**Type of Event:** Please list the sport that has been played at the Sporting Event.

**Address:** Enter the address of the project site, including city/town, state, zip code, and county.

**Event Date:** Please list the date that the Sporting Event was held.

**4. TOTAL NUMBER OF REQUESTED TAX CREDITS:**

**Eligible Costs:** List the actual dollar value for all Eligible Costs.

**Tickets Sold at Face Value:** List the total number of Sporting Event tickets sold at Face Value.

**Number of Tickets Multiplied by \$5:** Multiply the number of Tickets Sold at Face Value by \$5.

**Maximum Tax Credits:** Enter the lesser of Eligible Costs and the Number of Tickets Multiplied by \$5.

**5. OTHER INCENTIVES USED:**

**Are there other State of Missouri tax credits being applied toward this project?** Select the appropriate box. If "Yes," please indicate which programs are applicable. If no other programs are being applied to the project, check "No."

**6. PARTICIPATING IN THE E-VERIFY PROGRAM?**

Please indicate yes, or no. Participation in the E-Verify Program is a prerequisite of receiving ASTCP tax credits.

**7. ADDITIONAL DOCUMENTS REQUIRED:**



**A Copy of the Eligible Cost Listing Form(s):** The Eligible Cost Listing Form(s) should be created using the template provided in Appendixes A & B.

**Backup Documentation for the Eligible Cost Listing Form(s):** All costs listed on the Eligible Cost Listing Form(s) must be supported by both an Invoice and Proof of Payment. All Pledged Obligations must also be supported by the Support Contract.

- 8. ASTCP – APPLICANT CERTIFICATION:**  
Must be signed and notarize

## Appendix A:

# Template for Eligible Cost Listing Form

Costs Necessary for Conducting a Sporting Event, and Costs relating to Preparations Necessary for the Conduct of a Sporting Event.

[illegible]

**Appendix B:**

**Template for Eligible Cost Listing Form**

**Pledged Obligations**

Description of Expense	Specific Part of Support Contract Requiring this Expense	Method of Payment (Include Check No)	Date Paid	Payee	Payor	Total Amount of Expense

*AUTHORITY:* section 67.3000, RSMo Supp. 2013. Original rule filed Feb. 7, 2014.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, 301 West High Street, PO Box 1157, Jefferson City, MO 65102-1157. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 2—Practice and Procedure**

**PROPOSED AMENDMENT**

**4 CSR 240-2.090 Discovery and Prehearings.** The commission is amending section (2) of the rule.

*PURPOSE:* This amendment breaks the single section requirements into subsections to make the rule more readable and adds the requirement for submission of data requests through the commission's Electronic Filing and Information System (EFIS).

[(2) Parties may use data requests as a means for discovery. The party to whom data requests are presented shall answer the requests within twenty (20) days after receipt unless otherwise agreed by the parties to the data requests. If the recipient objects to data requests or is unable to answer within twenty (20) days, the recipient shall serve all of the objections or reasons for its inability to answer in writing upon the requesting party within ten (10) days after receipt of the data requests, unless otherwise ordered by the commission. If the recipient asserts an inability to answer the data requests within the twenty (20)-day time limit, the recipient shall include the date it will be able to answer the data requests simultaneously with its reasons for its inability to answer. Upon agreement by the parties or for good cause shown, the time limits may be modified. As used in this rule, the term data request shall mean an informal written request for documents or information which may be transmitted directly between agents or employees of the commission, public counsel or other parties. Answers to data requests need not be under oath or be in any particular format, but shall be signed by a person who is able to attest to the truthfulness and correctness of the answers. Sanctions for failure to answer data requests may include any of those provided for abuse of the discovery process in section (1) of this rule. The responding party shall promptly notify the requesting party of any changes to the answers previously given to a data request.]

(2) Parties may use data requests as a means for discovery.

(A) Data request means an informal written request for documents or information that may be transmitted directly between attorneys, agents, or employees of the commission, public counsel, or other parties.

(B) Answers to data requests need not be under oath or be in any particular format, but shall be signed by a person who is able to attest to the truthfulness and correctness of the answers.

(C) The party to whom data requests are presented shall answer the requests within twenty (20) days after receipt unless otherwise agreed by the parties to the data requests.

(D) If the recipient objects to data requests or is unable to answer within twenty (20) days, the recipient shall serve all of the objections or reasons for its inability to answer in writing upon the requesting party within ten (10) days after receipt of the data requests, unless otherwise ordered by the commission.

(E) If the recipient asserts an inability to answer the data requests within the twenty (20)-day time limit, the recipient shall include the date it will be able to answer the data requests simultaneously with its reasons for its inability to answer.

(F) The responding party shall promptly notify the requesting party of any changes to the answers previously given to a data request.

(G) Upon agreement by the parties or as ordered by the commission for good cause shown, the time limits for serving or answering data requests may be modified.

(H) Any data request issued to or by the staff of the commission shall be submitted and responded to in the commission's Electronic Filing and Information System (EFIS).

(I) Sanctions for failure to answer data requests may include any of those provided for abuse of the discovery process in section (1) of this rule.

*AUTHORITY:* section 386.410, RSMo Supp. [1998] 2013. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 22, 2014.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions in excess of five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities in excess of five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:* Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 2, 2014, and should include a reference to Commission Case No. AX-2014-0193. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for April 7, 2014, at 10:00 a.m., in Room 305 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 500—Office of Adult Learning and  
Rehabilitation Services**

**PROPOSED AMENDMENT**

**5 CSR 20-500.130 Confidentiality and Release of Information.** The State Board of Education is amending the purpose and sections (1)–(4).

*PURPOSE:* This amendment is updating the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of

*Adult Learning and Rehabilitation Services, clarifying language, and updating circumstances under which an eligible individual's files will be released.*

**PURPOSE:** *This rule establishes the procedures for release of information and confidentiality of applicants and/or eligible individuals for the State Board of Education through the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations 34 CFR section 361.38.*

(1) Information about an applicant or eligible individual will not be released without the individual's written permission except in the following situations when it directly relates to the applicant or eligible individual's rehabilitation program and is necessary to provide services:

(A) Name, addresses, Social Security number, phone numbers, educational/work histories, and income information to other state agencies that [the Division of V]vocational [R]rehabilitation [(DVR)] (VR) has a cooperative agreement with, including but not limited to, the Departments of [Economic Development,] Elementary and Secondary Education, Higher Education, Labor and Industrial Relations, Mental Health, Social Services [and], the Division of Workforce Development, and school districts; and/or

(B) Information about an applicant or eligible individual to [C]community [R]rehabilitation [P]programs; and/or

(2) An applicant's or an eligible individual's refusal to release information may affect the individual's eligibility to receive services or may result in the denial of services.

(3) Information from an individual's file must be requested in writing.

(A) Upon the determination that information is harmful to the individual, information will not be released to the individual, but will be released to court appointed representatives or a third party chosen by the individual including an advocate, [individual's adult family member,] an adult member of the individual's family, or a qualified medical or mental health professional.

(B) Information will be released in response to a law enforcement investigation, fraud, or abuse, and in response to an order by a judge or other authorized judicial officer.

(C) To protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

(4) An applicant or eligible individual who believes that information in the individual's record of services is inaccurate or misleading may request in writing that [D]VR amend the information. If the information is not amended, the request for the amendment must be documented in the record of services.

**AUTHORITY:** *section[s] 161.092, RSMo Supp. 2013, and sections 178.600, 178.610, and 178.620, RSMo [1994] 2000. This rule previously filed as 5 CSR 90-4.110. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.130, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 500—Office of Adult Learning and Rehabilitation Services**

**PROPOSED AMENDMENT**

**5 CSR 20-500.140 Minimum Standards [for Service Providers].**  
The State Board of Education is amending the title, purpose, and sections (1)–(3), and adding section (4).

**PURPOSE:** *This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services, to update terminology, to update the language for clarity, to update community rehabilitation program requirements, and to create a section addressing counselor qualifications.*

**PURPOSE:** *This rule establishes the minimum standards for service providers and vocational rehabilitation counselors for the State Board of Education through the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education to provide vocational rehabilitation services for applicants and eligible individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended, 20 USC section 701 et. seq., and the Code of Federal Regulations, 34 CFR section 361.5(b)(9).*

(1) A [service provider is an individual or organization] **community rehabilitation program (CRP) is an accredited, non-profit organization**, which provides **employment-related** services to applicants or eligible individuals.

(A) A [vocational service provider may provide one (1) or more of the following client interventions: personal and work adjustment training; job readiness training; supported employment; work stations in industry; and vocational evaluation.]

[1. The vocational service provider] **CRP must demonstrate the ability to deliver appropriate [case management] employment-related services [including counseling, psychological services, and vocational assessment services, and shall maintain service delivery personnel who possess substantial academic credentials appropriate to the proposed service].**

[2.](B) [Accreditation must be obtained from] **A CRP must be accredited by a recognized professional accreditation organization/s who have/ that has developed commonly accepted processes for accreditation of the specific employment-related service. [This would include but is not limited to the Commission on Accreditation of Rehabilitation Facilities (CARF) and the Joint Commission of Accreditation of Hospitals (JCAH).]**

[(B)](2) An educational service provider must comply with the provisions found in [5 CSR 60-900.050] **5 CSR 20-500.370.**

[(2)](3) [The service provider] **Individuals who provide vocational rehabilitation (VR) authorized services must be properly accredited, certified, or licensed [in Missouri or another state as approved by the Division of Vocational Rehabilitation (DVR),] in accordance with applicable state law and/or regulation. [Qualified personnel must have a valid, unencumbered, unrestricted, and undisciplined license, certification, or accreditation.]**

(4) **A qualified VR counselor must have these minimum qualifications—**

(A) **A master's degree from an accredited college or university in rehabilitation counseling, guidance and counseling, psychology, social work, or closely related field; and**

(B) **Fluency in American Sign Language or other appropriate mode of communication if the counselor provides services to individuals who are deaf or hard of hearing.**

**AUTHORITY:** section[s] 161.092, *RSMo Supp. 2013*, and sections 178.600, 178.610, and 178.620, *RSMo 2000*. This rule previously filed as 5 CSR 90-4.120. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Dec. 7, 2000, effective July 30, 2001. Moved to 5 CSR 20-500.140, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO, 65109 or by email at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 500—Office of Adult Learning and  
Rehabilitation Services**

**PROPOSED AMENDMENT**

**5 CSR 20-500.150 Eligibility.** The State Board of Education is amending the purpose by adding a new section (1) and amending and renumbering sections (1)–(2).

**PURPOSE:** This amendment is updating the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services, updating to whom services may be provided, updating terminology and standards pertaining to individuals with hearing loss, and clarifying language.

**PURPOSE:** This rule establishes the eligibility requirements for applicants for the State Board of Education through the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, 20 USC section 701 et. seq. and the Code of Federal Regulations, 34 CFR section 361.42.

**(1) Vocational rehabilitation (VR) may only provide services to an individual who—**

**(A) Has been determined to have a physical or mental disability that serves as a substantial impediment to employment and who can benefit from an employment outcome;**

**(B) Is a Missouri resident, though a duration of residency requirement may not be imposed; and**

**(C) Is authorized to work in the United States.**

**[[1]](2) Diagnosis of disability [as defined in the Rehabilitation Act of 1973 as amended and the applicable rules] must be by a qualified [person,] professional who is licensed or certified in Missouri or in another state as approved by [the Division of Vocational Rehabilitation (DVR)] VR, and in accordance with applicable state law and/or regulation. [Qualified personnel must have a valid, unencumbered, unrestricted, and undisciplined license or certification.]**

**[[2]](3) Eligibility for services shall be determined pursuant to the federal act and/or applicable regulations and shall include the following qualifications:**

**(A) Individuals with conditions diagnosed or related to alcohol**

**and/or drug dependence, must be participating in or have successfully completed an inpatient/outpatient drug and/or alcohol treatment program, prior to receiving services from [D/VR connected with an Individualized Plan for Employment (IPE)]. The treatment program must be certified by the Missouri Department of Mental Health, [Division of Alcohol and Drug Abuse or t/The Joint Commission [on Accreditation of Hospitals (JCAH)] or a drug court;**

**(B) All referrals, applicants, and eligible individuals [with a visual disability] who meet the required eligibility requirements set by the Missouri Rehabilitation Services for the Blind (MRSB) will be referred to and served by [the Missouri Rehabilitation Services for the Blind (RSB) when the individual meets the visual disability requirements set forth in RSB rules] MRSB; and**

**(C) [Eligibility for i]Individuals who are deaf, late-deafened, or hard of hearing [with hearing loss] must be [diagnosed] evaluated by a [Missouri] certified audiologist or a [Missouri] physician skilled in diseases of the ear. Eligibility criteria for individuals with a hearing loss [is] are based upon standards developed by the American Speech-Language-[and] Hearing Association [(ASHA)].**

**1. The following standards [may] will be considered when determining eligibility:**

**A. [Pure tone average, speech receptions, and speech discrimination factors in determining the existence of functional limitations] An individual must have a diagnosis at a minimum of a mild to moderate hearing loss in both ears and functional limitations as a result of the hearing loss; and**

**B. Pure tone average [is determined by computing the decibel loss at 500 Hz, 1000 Hz, and 2000 Hz;] speech receptions, speech discrimination, and decibel loss at frequencies above 2000Hz.**

**[C. An individual with a forty-one (41) decibel loss in the better ear would be considered as having a disability with functional limitations;**

**D. An individual with a thirty-four to forty (34–40) decibel loss in the better ear may be considered as having a disability with functional limitations if the loss in the other ear is ninety (90) decibels or more; or**

**E Other factors, including speech reception, speech discrimination, and decibel loss at frequencies above 2000 Hz may cause functional limitations.]**

**AUTHORITY:** section[s] 161.092, *RSMo Supp. 2013*, and sections 178.600, 178.610, and 178.620, *RSMo [1994] 2000*. This rule previously filed as 5 CSR 90-4.200. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.150, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 500—Office of Adult Learning and  
Rehabilitation Services**

**PROPOSED AMENDMENT**

**5 CSR 20-500.160 Order of Selection for Services.** The State Board of Education is amending the purpose and sections (1), (2), (5), (6), (7), and (13).

*PURPOSE: This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services, to update the language for clarity, and to correct typographical errors.*

*PURPOSE: This rule establishes the order of selection for vocational rehabilitation services if the State Board of Education through the [Division of Vocational Rehabilitation] Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education cannot provide services to all eligible individuals with disabilities in the State of Missouri pursuant to the Rehabilitation Act of 1973 as amended, 20 USC section 701et. seq., and the Code of Federal Regulations, 34 CFR section 361.36.*

(1) The following definitions apply to *[these regulations]* **this rule:**

(A) Individual with the *[M]most [S]significant [D]disability*. An individual with a significant disability *[as defined in this rule, and the following:]* **who is seriously limited in three (3) or more of the following functional areas:**

*[1. Who is seriously limited in three (3) or more of the following functional areas:]*

- [A.]1. Self-care;*
- [B.]2. Communication;*
- [C.]3. Mobility;*
- [D.]4. Self-direction;*
- [E.]5. Work tolerance;*
- [F.]6. Work skills; and/or*
- [G.]7. Interpersonal skills;*

(B) Individual with a *[S]significant [D]disability*. An individual with a disability, *as defined in this rule and the following:]—*

1. Who has a severe physical or mental impairment that seriously limits one (1) or *[more] two (2)* functional capacities *[(such as mobility; communication; self-care; self-direction; interpersonal skills; work tolerance; and/or work skills)]* in terms of an employment outcome **such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, and/or work skills;**

2. Whose vocational rehabilitation (VR) can be expected to require multiple *[vocational rehabilitation]* VR services over an extended period of time; and

3. Who has one (1) or more physical or mental disabilities resulting from amputation; arthritis; autism; blindness; burn injury; cancer; cerebral palsy; cystic fibrosis; deafness; head injury; heart disease; hemiplegia; hemophilia; respiratory or pulmonary dysfunction; mental retardation; mental illness; multiple sclerosis; muscular dystrophy; musculo-skeletal disorders; neurological disorders (including stroke or epilepsy); spinal cord conditions (including paraplegia or quadriplegia); sickle cell anemia; specific learning disability; end-stage renal disease; or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and *[vocational rehabilitation]* VR needs to cause comparable substantial functional limitation; or

(C) *[Individual with a Disability. Any individual as defined in this rule and the following:]*

- 1. Who has a physical or mental impairment;*
- 2. Whose impairment constitutes or results in a substantial impediment to employment; and*
- 3. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation service.]* **All other eligible individuals with a disability.**

(2) In the event *[vocational rehabilitation]* VR services cannot be provided to all eligible individuals with disabilities in the state of Missouri, *[the Division of Vocational Rehabilitation (DVR)]* VR will implement a statewide order of selection. In accordance *[to]* **with** the following priority categories, individuals with the most sig-

nificant disabilities will be selected first for the provision of *[vocational rehabilitation]* VR services. Services shall be provided based upon the eligible individual's placement in one (1) of the following category priorities:

(C) Priority Category III—*[An individual with a disability as defined above]* **All other eligible individuals with a disability.**

(5) All funding arrangements for providing services, including any third-party arrangements and awards by *[D]VR* shall be consistent with the order of selection. If any funding arrangements are inconsistent with the order of selection, *[D]VR* shall renegotiate these funding arrangements so that they are consistent with the order of selection.

(6) Eligible individuals who are in a priority category that is not open, shall be provided accurate *[vocational rehabilitation]* VR information and guidance (including counseling and referral for job placement) using appropriate modes of communication to assist them in preparing for, securing, retaining, or regaining employment. These individuals will also be referred to other appropriate federal and state programs, including the statewide workforce investment career centers.

(13) The order of selection shall in no way affect eligible individual's access to services provided through *[D]VR's* information and referral system.

*AUTHORITY: section[s] 161.092, RSMo Supp. [2002] 2013, and sections 178.600, 178.610, and 178.620, RSMo 2000. This rule previously filed as 5 CSR 90-4.300. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Moved to 5 CSR 20-500.160, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 20—Division of Learning Services Chapter 500—Office of Adult Learning and Rehabilitation Services

#### PROPOSED AMENDMENT

**5 CSR 20-500.170 Appeals.** The State Board of Education is amending the purpose and sections (1)–(4).

*PURPOSE: This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services and to update the language for clarity.*

*PURPOSE: This rule establishes the procedures for appeal by an applicant or eligible individual dissatisfied with a determination made regarding the provision of services by the [Division of Vocational Rehabilitation] Office of Adult Learning and*

**Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, 29 USC section 701 et. seq. and the Code of Federal Regulations, 34 CFR section 361.57.**

(1) *[When an applicant or eligible individual signs an application, is determined ineligible for services, the Individualized Plan for Employment (IPE) is developed or executed, or upon reduction, suspension, or cessation of vocational rehabilitation services, the applicant or eligible client will be apprised of their rights to a due process hearing and/or mediation]* **An applicant or eligible individual will be informed of their right to a due process hearing and/or mediation if they are determined ineligible for services, when the Individualized Plan for Employment (IPE) is executed or if there is a reduction, suspension, or cessation of vocational rehabilitation (VR) services.**

(2) *[When]* **If** an applicant or eligible individual is dissatisfied with any determination made by *[the Division of Vocational Rehabilitation (DVR)]* **VR** regarding the provision of services, the applicant or eligible individual may request *[under the rules promulgated by the State Board of Education,]* **an informal review, a due process hearing, or mediation.**

(3) When an applicant or eligible individual is dissatisfied with any determination made by *[D/VR]* regarding the provision of services, the applicant or eligible individual will be *[given information]* **informed in writing** about the *[C/]client [A/]assistance [P/]program.*

(4) *[Division of Vocational Rehabilitation]* **VR** will not suspend, reduce, or terminate services provided to an eligible client under an existing IPE pending a decision from **an** informal review, a due process hearing, or a written mediation agreement, unless the eligible individual or *[their]* **the individual's** representative requests in writing that services be suspended, reduced, or terminated.

**AUTHORITY:** section[s] 161.092, **RSMo Supp. 2013, and sections 178.600, 178.610, and 178.620, RSMo [1994] 2000.** This rule previously filed as 5 CSR 90-4.400. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.170, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 500—Office of Adult Learning and  
Rehabilitation Services**

**PROPOSED AMENDMENT**

**5 CSR 20-500.180 Informal Review.** The State Board of Education is amending the purpose and section (1).

**PURPOSE:** This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services and to update the language for clarity.

**PURPOSE:** This rule establishes the procedures for informal review of a decision made by the *[Division of Vocational Rehabilitation]* **Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, 29 USC section 701 et. seq. and the Code of Federal Regulations.**

(1) The applicant or eligible individual may request **an** informal review in writing to *[the supervisor of]* **the respective district office supervisor.**

**AUTHORITY:** section[s] 161.092, **RSMo Supp. [2002] 2013, and sections 178.600, 178.610, and 178.620, RSMo 2000.** This rule previously files as 5 CSR 90-4.410. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003, effective Oct. 30, 2003. Moved to 5 CSR 20-500.180, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 500—Office of Adult Learning and  
Rehabilitation Services**

**PROPOSED AMENDMENT**

**5 CSR 20-500.190 Due Process Hearing.** The State Board of Education is amending the purpose and sections (2)–(4) and sections (6)–(12) and adding section (13).

**PURPOSE:** This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services and to update the language for clarity and specificity.

**PURPOSE:** This rule establishes the procedures for due process hearings for applicants or eligible individuals dissatisfied with a determination made regarding the provision of services by the *[Division of Vocational Rehabilitation]* **Office of Adult Learning and Rehabilitation Services, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, 29 USC section 701 et. seq. and the Code of Federal Regulations, 34 CFR section 361.57(e), (f), and (g).**

(2) An applicant or eligible individual may request a due process hearing in writing or by personally contacting *[a coordinator,]* **the [Division of V/]vocational [R/]rehabilitation (D/VR) consumer affairs office.**



(3) The assistant commissioner of *[DVR]* the **Office of Adult Learning and Rehabilitation Services** or his/her designee will *[set]* schedule a hearing and assign an **impartial** hearing officer *[selected pursuant to the federal regulations and/or applicable regulations]* to hear the matter.

(4) A hearing will be held within sixty (60) days of the request unless *[a party]* the **applicant, the eligible individual, or VR** requests a specified time extension.

(6) The applicant or the eligible individual, or if appropriate, the individual's *[parent,]* guardian or other representative~~,~~ of the **applicant or the eligible individual** will be allowed an opportunity to present additional evidence, information, and witnesses during the due process hearing.

(7) Copies of all correspondence, reports of contact, and written decisions rendered by the **impartial** hearing officer shall be placed in the applicant's or the eligible individual's case file.

(8) The **impartial** hearing officer will make a decision, **including findings of fact and conclusions of law**, based upon the provisions of the approved state plan, the federal act and/or applicable regulations, and appropriate state law and/or regulations. A written report *[of the findings of fact and conclusions of law]* from the **impartial hearing officer** will be submitted to the applicant or eligible client or, if appropriate, the individual's *[parent,]* guardian or other representative and to the assistant commissioner within thirty (30) days of completion of the due process hearing.

(9) Within twenty (20) days of the **mailing of the impartial** hearing officer's written decision, either party may request in writing, a review of the written decision *[to]* by the commissioner of the Department of Elementary and Secondary Education (**department**), or his/her designee.

(10) The commissioner or designee shall provide an opportunity for submission of additional evidence and information relevant to a final decision. **The commissioner may not delegate the responsibility for reviewing the written decision of the impartial hearing officer to any VR staff.**

(11) The commissioner or designee shall not overturn or modify the **impartial** hearing officer's decision, or part of the decision supporting the position of the applicant or eligible individual, unless the reviewing official determines based upon clear and convincing evidence that the decision of the **impartial** hearing officer is clearly erroneous on the basis of being contrary to the approved state plan, the federal act and/or applicable regulations, or the appropriate state law and/or regulations.

(12) The commissioner or designee shall provide a written final findings of fact and conclusions of law to the applicant or eligible individual~~,~~ or, if appropriate, the applicant's representative~~,~~ and *[D]VR [in a timely manner]* **within thirty (30) days of the request for administrative review.**

**(13) A decision of the commissioner or designee constitutes notice of a final decision on the matter by the department.**

*AUTHORITY: section[s] 161.092, RSMo Supp. [2002] 2013, and sections 178.600, 178.610, and 178.620, RSMo 2000. This rule previously filed as 5 CSR 90-4.420. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003, effective Oct. 30, 2003. Moved to 5 CSR 20-500.190, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 500—Office of Adult Learning and  
Rehabilitation Services**

**PROPOSED AMENDMENT**

**5 CSR 20-500.200 Mediation.** The State Board of Education is amending the purpose and sections (1)–(3) and (6).

*PURPOSE: This amendment is to update the rule to reflect the name change from the Division of Vocational Rehabilitation to the Office of Adult Learning and Rehabilitation Services, to update the language for clarity and specificity as to timing.*

*PURPOSE: This rule establishes the procedures for mediation for applicants or eligible individuals dissatisfied with a determination made regarding the provision of services by the *[Division of Vocational Rehabilitation]* **Office of Adult Learning and Rehabilitation Services**, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended, **29 USC section 701 et. seq.** and the **Code of Federal Regulations, 34 CFR section 361.57(d).***

(1) The applicant or eligible individual may request mediation regarding disputes involving any determination by the *[Division of V]vocalational *[R]rehabilitation (D]VR)** that affects the provision of services. This request may be made in writing or by *[personally]* contacting *[a coordinator of]* the *[D]VR consumer affairs office*. **Mediation will be held within sixty (60) days of the request unless both parties agree to a specified time extension. Mediation is voluntary on the part of both the individual and VR.**

(2) The assistant commissioner of *[DVR]* the **Office of Adult Learning and Rehabilitation Services** or his/her designee will assign a mediator *[selected pursuant to the federal act and/or applicable regulations and]* agreed to by both *[the D]VR* and the applicant or eligible individual.

(3) An agreement reached by the parties **as a result of mediation** shall be set forth in writing.

(4) A written mediation agreement shall be provided to the applicant or eligible individual, or if appropriate, the individual's *[parent,]* guardian or other representative and to the assistant commissioner within thirty (30) days of completion of the mediation process.

(6) An applicant or eligible individual may request mediation without informal review or a due process hearing. *[Mediation is voluntary on the part of both parties.]*

*AUTHORITY: section[s] 161.092, RSMo Supp. 2013, and sections 178.600, 178.610, and 178.620, RSMo [1994] 2000. This rule previously filed as 5 CSR 90-4.430. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Moved to 5 CSR 20-500.200, effective Aug. 16, 2011. Amended: Filed Jan. 27, 2014.*

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Jeanne Loyd, Assistant Commissioner, Office of Adult Learning and Rehabilitation Services, 3024 Dupont Circle, Jefferson City, MO 65109 or by email at [info@vr.dese.mo.gov](mailto:info@vr.dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.010 General Organization.** The Missouri Commission for the Deaf and Hard of Hearing is adding new sections (1) and (2), amending section (3) and subsection (3)(A), and deleting sections (2), (3), (4), and (5) in the *Code of State Regulations*.

**PURPOSE:** This amendment eliminates the redundant language already established in 161.400 through 161.410, RSMo.

[(1) There is established within the Missouri Commission for the Deaf and Hard of Hearing (MCDHH) a "Board for Certification of Interpreters" (BCI), which shall be composed of five (5) members. The executive director of the MCDHH or his/her designee shall be a nonvoting member of the BCI.]

**(1) The Missouri Commission for the Deaf and Hard of Hearing (MCDHH) is established and governed by sections 161.400 through 161.410, RSMo, and these rules.**

[(2) The members of the BCI shall be appointed by the governor with the advice and consent of the senate from a list of recommendations from the MCDHH. The BCI shall elect from its membership a chairperson and a secretary. A quorum of the BCI shall consist of three (3) of its members.]

**(2) The Board for Certification of Interpreters (BCI) is established and governed under the MCDHH by the relevant provisions of sections 209.285 through 209.339, RSMo, and these rules.**

[(3) The BCI shall meet not less than two (2) times per year.]

[(4) By the authority established in sections 209.292(1) and 209.292(2), RSMo, the BCI is the only entity in the state of Missouri with the power to officially evaluate and certify interpreters in order that they may meet the requirements for licensing by the Missouri State Committee of Interpreters. Other powers and duties of the BCI are detailed in section 209.292, RSMo.]

[(5) The coordinator of the Missouri Interpreters Certification System (MICS) shall be hired by the executive director of the MCDHH, and shall be responsible for implementing policies and decisions of the BCI, maintaining the BCI's records, and responding to all requests for access to the BCI's public records.]

[(6)](3) The public may obtain information from, as well as make submissions to, the BCI by submitting their requests or materials in writing to the **Missouri Interpreter Certification System (MICS)** coordinator at the MCDHH office.

(A) All public records of the BCI shall be open for inspection and copying by persons in the general public during normal business hours as required by **Chapter 610, RSMo**. However, records closed pursuant to section 610.021, RSMo, compiled in connection with the investigation of a complaint against the certification process, or compiled for the purpose of processing applications for certification are confidential and therefore not subject to inspection by the public.

(B) A fee may be charged by the BCI for making copies of its records. See 5 CSR 100-200.150 Fees.

(C) It shall be improper for any BCI member, MCDHH member, or MCDHH staff member to discuss with any person, except members of the BCI, MCDHH, staff of the MCDHH, State Committee of Interpreters, staff of the State Committee of Interpreters, or counsel for any of these agencies, any matter which is confidential, including complaints against the certification process, that is pending before the BCI, MCDHH, State Committee of Interpreters, or the Administrative Hearing Commission.

[(7)](4) All meetings of the BCI not closed pursuant to the provisions of section 610.021, RSMo, shall be open to any person in the general public.

[(8)](5) Individuals wishing to make a presentation at a BCI meeting must submit their requests in writing to the executive director of the MCDHH a minimum of three (3) working days prior to the meeting.

**AUTHORITY:** sections 209.287 and 209.292, RSMo Supp. [2003] 2013, and section 209.295(8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 2014.

**PUBLIC COST:** The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** The proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED RESCISSION**

**5 CSR 100-200.030 Missouri Interpreters Certification System.** This rule described the basic components of the Missouri Interpreters Certification System, as well as the types and levels of certification issued by the Board for Certification of Interpreters.

**PURPOSE:** This rule is being rescinded due to the changes to the levels of certification offered by the Missouri Interpreter Certification System.

**AUTHORITY:** sections 209.292(1), (2) and (11), RSMo Supp. 2004 and 209.295(8) and 209.305, RSMo 2000. Original rule filed June

20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Feb. 7, 2005, effective Aug. 30, 2005. Rescinded: Filed Jan. 28, 2014.

**PUBLIC COST:** The proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** The proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED RULE**

**5 CSR 100-200.035 Missouri Interpreters Certification System**

**PURPOSE:** This rule describes the Missouri Interpreters Certification System (MICS) examinations and the certifications issued by the MICS.

(1) Any individual who practices interpreting in the state of Missouri as defined in sections 209.285 and 209.321, RSMo, must be certified by the Missouri Interpreters Certification System (MICS), except as allowed by statute.

(2) The Board for Certification of Interpreters (BCI) may purchase or develop materials to be used as the most appropriate testing materials for certifying interpreters in the state of Missouri. The BCI may contract with other certifying agencies to proctor their certification tests and evaluations and is authorized to charge a fee for its proctoring services as established in 5 CSR 100-200.150, in addition to collecting and forwarding the fee charged by the other certifying entity.

(3) The MICS has two (2) basic components: a written test of English proficiency and a performance test. A person is required to obtain a passing score on the written test taken before being allowed to take the performance test.

(4) The performance test is the measurement tool used to analyze the performance test and determine the applicant's ability to facilitate communication between deaf or hard of hearing people and persons who are hearing. The MICS performance evaluation standards shall be based upon the testing materials used by Texas Board for Evaluation of Interpreters (BEI).

(5) The types and levels of interpreter certification granted by the MICS are Basic, Advanced, Master, Restricted Certification in Education (K-6), Restricted Certification in Education (7-12), Provisional Certificate in Education, and the Intern/Practicum Certification.

(A) The Provisional Certificate in Education is issued for a term determined by statute.

(B) The Intern/Practicum Certification is issued for a term specified pursuant to 5 CSR 100-200.085.

(C) All other certifications are permanent, subject to annual renewal.

(6) To obtain a MICS Basic Certification, an applicant must meet the eligibility and application requirements of 20 CSR 100-200.050, pass the written test of English proficiency, and pass the Basic Performance Test.

(7) To obtain a MICS Advanced Certification, an applicant must meet the eligibility and application requirements of 20 CSR 100-200.050, pass the written test of English proficiency, and pass the Advanced Performance Test.

(8) To obtain a MICS Master Certification, an applicant must meet the eligibility and application requirements of 20 CSR 100-200.050, pass the written test of English proficiency, and pass the Master Performance Test.

(9) All MICS certifications except for the Intern/Practicum Certification are subject to renewal annually pursuant to 5 CSR 100-200.125, provided that the holder commits no violation of any provision of the *Revised Statutes of Missouri* or the *Missouri Code of State Regulations* pertaining to interpreter certification or licensure.

(A) The following MICS certifications issued based on performance tests taken prior to the effective date of this rule will be converted to the certifications established in this rule:

1. Comprehensive shall convert to Master;
2. Advanced shall convert to Advanced;
3. Intermediate shall convert to Basic.

(B) All other certifications issued prior to the effective date of this rule shall remain in full force and with the same rights, restrictions, and limitations as existed previously. Any person who takes the written test and the performance evaluation under 5 CSR 100-200.030 prior to the effective date of the rule and earns a Comprehensive, Advanced, or Intermediate Certification, shall be issued a Master, Advanced, or Basic, respectively, as set forth in subsection (A) of this section.

**AUTHORITY:** sections 209.292 and 209.295, RSMo Supp. 2013. Original rule filed Jan. 28, 2014.

**PUBLIC COST:** The proposed amendment will cost state agencies or political subdivisions twenty thousand dollars (\$20,000) in the aggregate.

**PRIVATE COST:** The proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title: Department of Elementary and Secondary Education  
Division Title: Missouri Commission for the Deaf and Hard of Hearing  
Chapter Title: Board for Certification of Interpreters**

<b>Rule Number and Name:</b>	5 CSR 100-200.035 Missouri Interpreters Certification System
<b>Type of Rulemaking:</b>	Proposed Rulemaking

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<b>Missouri Commission for the Deaf and Hard of Hearing</b>	<b>\$20,000 for the first year</b>

**III. WORKSHEET**

**\$10,000 for test lease + \$10,000 training = \$20,000**

**IV. ASSUMPTIONS**

The leasing fee for the Texas BEI exam is \$10,000 per year.

The first year will have additional cost of \$10,000 for the training of raters.

It is predicted that every 3 years there will be the additional cost of \$10,000 for additional training of raters.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.040 Restricted Certification in Education.** The Missouri Commission for the Deaf and Hard of Hearing is amending sections (1), (2), and (5) and deleting subsection (1)(C) and section (4).

*PURPOSE:* This rulemaking amends the types of Restricted Certification in Education (RCED) that can be issued by the Missouri Interpreter Certification System (MICS).

(1) The Restricted Certification in Education (RCED) shall be issued *[in one (1) of three (3) different formats,] as either an RCED (K-6), or an RCED (7-12)[, and RCED (General)].*

*[(C) The RCED (General) shall be valid for interpreting in kindergarten through grade twelve (12) as set forth in 5 CSR 100-200.170.]*

(2) An RCED may be obtained *[in one of the following ways:] only by conversion pursuant to rule 5 CSR 100-200.100.*

*[(A) An RCED (K-6) can be obtained only by conversion pursuant to rule 5 CSR 100-200.100.]*

**(A) The RCED (K-6) shall be issued to each applicant for conversion pursuant to rule 5 CSR 100-200.100 who receives a score of 4.0 on the EIPA examination (K-6).**

*[(B) An RCED (7-12) can be obtained only by conversion pursuant to rule 5 CSR 100-200.100.]*

**(B) The RCED (7-12) shall be issued to each applicant for conversion pursuant to rule 5 CSR 100-200.100 who receives a score of 4.0 on the EIPA examination (7-12).**

*[(C) An RCED (General) can be obtained only through performance testing in the Missouri Interpreter Certification System (MICS) as set forth in 5 CSR 100-200.070.]*

*[(4) The RCED (General) shall be given based on the applicant's ability to meet the minimum criteria for the Intermediate Certification level in either:*

*(A) Interpreting from spoken English to American Sign Language and from American Sign Language to spoken English; or*

*(B) Transliterating from spoken English to an English-based sign system, such as PSE, SEE, or MCE, and from an English-based sign system to spoken English.]*

*[(5)](4) An applicant may obtain [more than one (1)] both RCED certifications, with different formats and/or communication mode endorsements, but for each RCED the applicant must submit a new application, and pay the appropriate fee(s)[, and, if required, take the appropriate performance test].*

*AUTHORITY:* section[s] 209.292(1), RSMo Supp [2003] 2013, and sections 209.295(1), (3) and (8), RSMo 2000. Original rule filed May 14, 1997, effective Dec. 30, 1997. Amended: Filed Oct. 21, 1997, effective April 30, 1998. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 2014.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private enti-

ties more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.045 Provisional Certificate in Education.** The Missouri Commission for the Deaf and Hard of Hearing is amending sections (1) and (7) and deleting subsections (1)(A) and (1)(B) and sections (2), (3), (4), (5), (6), and (8).

*PURPOSE:* This amendment eliminates the redundant language that is already established in sections 209.309, RSMo and 209.321.8, RSMo.

(1) The board for certification of interpreters shall grant a provisional certificate in education to any applicant who submits an application pursuant to 5 CSR 100-200.050 and meets *[either of the following criteria:] the criteria set forth in section 209.321.8, RSMo.*

*[(A) The applicant possesses a current valid certification in the Missouri Interpreters Certification System at either the novice or apprentice level and holds a valid license issued by the Missouri State Committee of Interpreters to provide interpreting services; or*

*(B) The applicant has submitted an application for certification in the Missouri Interpreters Certification System and an application for an interpreting license pursuant to sections 209.319 to 209.339, RSMo and has taken the written test and performance test or attests that he or she will complete the certification and licensure applications and take the written test within sixty (60) days following the date of application for a provisional certificate in education and will complete the performance test within sixty (60) days following passage of the written test.]*

*[(2) The board shall issue the provisional certificate in education within ten (10) business days following receipt of a complete application.*

*(3) A provisional certificate issued under subsection (1)(A) of this rule shall be valid for a term of three (3) years and shall be renewed by the board, upon request by the certificate holder, for one (1) additional term of three (3) years if the certificate holder is reevaluated during the first term of issuance and achieves a higher level of certification in the Missouri interpreters certification system.*

*(4) A provisional certificate issued under subsection (1)(B) of this rule shall be valid for one (1) year and shall be renewed, upon request by the certificate holder, pursuant to section (3) of this rule if the certificate holder is reevaluated during the term of issuance and achieves a certification in the Missouri Interpreters Certification System. Such renewed certificate shall be subject to the term length and renewal*

provisions of section (3) of this rule.

(5) A provisional certificate in education shall be limited to providing interpreter services in preschool, elementary and secondary school settings or as allowed by any other valid Missouri certification or license held by the individual.

(6) A provisional certificate in education may be revoked by the board if the person makes any misrepresentations or fails to fulfill any commitment made pursuant to subsection (1)(B) of this rule, or violates the provisions of section 209.317 or 209.334, RSMo or breaks any of the ethical rules of conduct for interpreters as established by state rule or fails to obtain the necessary continuing education credits required for certification maintenance.]

[(7)](2) On or before December 2 of each year, holders of the Provisional Certificate in Education shall submit the **Continuing Education Units** (CEU) processing fee specified in 5 CSR 100-200.150 and verification of compliance with the certification maintenance requirements set forth in 5 CSR 100-200.130 on a form prescribed by the board.

[(8) The Temporary Restricted Certification in Education and the Provisional Restricted Certification in Education will automatically be converted to the Provisional Certificate in Education when this rule becomes effective, and the holders of the Temporary Restricted Certification in Education and the Provisional Restricted Certification in Education (PCED) will hold the same rights and responsibilities as holders of the PCED, no more and no less.]

**AUTHORITY:** sections 209.292(1) and **209.321(8)**, RSMo Supp. [2004] **2013**, and sections 209.295(1), (3), and (8), and **209.309**, RSMo 2000. Emergency rule filed Aug. 8, 2003, effective Aug. 18, 2003, expired Feb. 14, 2004. Emergency amendment filed May 6, 2004, effective June 1, 2004, expired Nov. 27, 2004. Original rule filed Aug. 11, 2003, effective Feb. 29, 2004. Rescinded and readopted: Filed Feb. 7, 2005, effective Aug. 30, 2005. Amended: Filed Jan. 28, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.050 Application for Interpreter Certification in Missouri.** The Missouri Commission for the Deaf and Hard of

Hearing is amending sections (2), (3), and (4) and subsections (1)(B), (5)(A), (B), (C), and (D).

**PURPOSE:** This amendment changes the qualifications to be eligible for certification in the Missouri Interpreter Certification System (MICS) and amends the application process.

(1) To be eligible for certification in the Missouri Interpreters Certification System (MICS), each applicant must:

(B) *[Hold a high school diploma or its equivalent]* **Have earned an associate degree and/or a minimum of sixty (60) credit hours from an accredited college or university. An applicant who is currently certified at the Novice, Apprentice, RCED, Basic, Advanced, or Master levels by MICS and applies for a higher level of certification is not required to meet this educational requirement.**

(2) An application for certification must be completed on a form developed by the Board for Certification of Interpreters. Application forms may be obtained *[by writing to the office of]* **from** the Missouri Commission for the Deaf and Hard of Hearing.

(3) *[Applicants for certification must meet the eligibility requirements for the MICS specified in section (1) above.]* Applicants who do not meet the eligibility **and application** requirements will be *[so]* informed by a letter of denial, which will indicate the reason(s) for the denial.

(4) An application must be *[properly]* completed, *[notarized,]* and submitted with the appropriate fee in order for the applicant to be considered for the certification process.

(5) The completed application must clearly describe the applicant's intent to:

(A) Obtain a *[standard]* **MICS Basic, Intermediate, or Master** *[c]* Certification through written and performance testing;

*[(B) Obtain a Restricted Certification in Education (General) through written and performance testing;]*

*[(C)](B)* Obtain an Intern/Practicum Certification; or

*[(D)](C)* Convert certification.

**AUTHORITY:** section[s] 209.292(1), RSMo Supp. [2003] **2013**, and sections 209.295(1) and (8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 2014

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** The cost to private entities will be approximately fifty-four thousand dollars (\$54,000).

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: Department of Elementary and Secondary Education  
Division Title: Missouri Commission for the Deaf and Hard of Hearing  
Chapter Title: Board for Certification of Interpreters**

<b>Rule Number and Title:</b>	5 CSR 100-200.050 Application for Interpreter Certification in Missouri
<b>Type of Rulemaking:</b>	Proposed Rulemaking

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>9 interpreters</b>		<b>\$54,000</b>

**III. WORKSHEET**

**\$6000 for associate's degree X 9 applicants = \$54,000**

**IV. ASSUMPTIONS**

**Average cost per credit hour at local AAS interpreting programs = \$100 per credit hour for 60 credit hours= \$6000**

**Number of new applicants during 2013=45**

**Number of applicants already having at least 60 credit hours based on the number of internship applications we received=36**

**Number of applicants who would require more education before applying for certification = 45-36= approx 9 applicants**

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.060 Written Test.** The Missouri Commission for the Deaf and Hard of Hearing is amending sections (7) and (8).

*PURPOSE:* This amendment changes the passing score on the written test and changes the length of time before retaking the written test.

(7) All applicants must have a passing score *[of eighty-five percent (85%) correct or better]* as defined by the Texas Board for Examination of Interpreters (BEI) on the written test in order to qualify for taking the performance test.

(8) Any applicant unable to obtain a passing score on the written test *[must refrain from]* cannot retest~~ing~~ for *[a period of at least three (3)]* six (6) months from the date of their last written test. Any *[such]* applicant may reapply to take the written test by submitting a new application form along with the appropriate application fee.

*AUTHORITY:* section[s] 209.292(1), RSMo Supp. [2004] 2013, and section 209.295(8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed May 27, 2005, effective Dec. 30, 2005. Amended: Filed Jan. 28, 2014.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.070 Performance Test and Evaluation.** The Missouri Commission for the Deaf and Hard of Hearing is amending sections (3) and (5), and renumbering subsections (5)(A) and (5)(B), deleting subsections (3)(A), (3)(B), and (5)(A), and adding subsections (3)(A), (3)(B), and (3)(C), and paragraphs (3)(C)1., (3)(C)2., and (3)(C)3.

*PURPOSE:* This amendment explains the performance test application process, lists various certifications deemed equivalent to the MICS Advanced certification, and explains the procedure if an applicant does not pass the performance test.

(3) The performance test fee and application fee *[of all applicants]* must be received at the office of the MCDHH at least thirty (30) days prior to the date of their performance test and shall designate which performance test, Basic, Advanced, or Master Certifications is requested.

*[(A) If no fee is received, an applicant scheduled for the performance test will not be allowed to take the performance test, and will have to reschedule a new date and time for their performance test.]*

*[(B) If the appropriate performance test fee has been received, then failure to appear for a scheduled performance test without reasonable prior notice, except in emergencies, will result in forfeiture of an applicant's performance test fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed to reschedule their performance test for some future time.]*

(A) Any applicant who has passed the written examination may take the Basic level performance exam.

(B) Any applicant who has passed the written examination and holds a current Basic Certification may take the Advanced performance exam.

(C) Any applicant who has passed the written examination and holds a current Advanced Certification, or its equivalent, may take the Master performance exam. The following current certifications are deemed equivalent to the Advanced Certification:

1. National Interpreter Certification (NIC);
2. Comprehensive Skills Certificate (CSC); and
3. Certificate of Interpreting/Certificate of Transliterating (CI/CT).

(5) If the applicant *[is unable to obtain the minimum score necessary for certification]* does not pass the performance test, no certification will be issued. In such an instance~~[-]~~—

*[(A) The applicant may apply to take the performance test again and be reevaluated by scheduling a new performance test date with the MICS coordinator and submitting the proper reevaluation fee;]*

*[(B)](A)* The applicant may not retake the performance test until at least six (6) months have passed from the date of his/her last performance test; and

*[(C)](B)* In all such cases of reevaluation, the written test will be waived.

*AUTHORITY:* sections 209.292, 209.295(8), and 209.299, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 2014.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500); however, this amendment will cost additional money for the increased fees for the new test which is reflected in 5 CSR 100-200.150.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED RESCISSION**

**5 CSR 100-200.075 Voluntary Recertification.** This rule outlined the process whereby an interpreter seeking either to recertify as a Novice or Apprentice or to obtain a higher level of certification in the Missouri Interpreters Certification System can volunteer to be reevaluated.

*PURPOSE: This rule is being rescinded as the levels Novice and Apprentice are no longer being issued by the Missouri Interpreter Certification System (MICS).*

*AUTHORITY: sections 209.292(1), (2), and (11), RSMo Supp. 2003 and 209.295(8), RSMo 2000. Original rule filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Rescinded: Filed Jan. 28, 2014.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.130 Certification Maintenance.** The Missouri Commission for the Deaf and Hard of Hearing is amending subparagraphs (1)(C)3.A., (1)(C)3.B., and (1)(C)3.C., section (3), and subsection (6)(B).

*PURPOSE: This amendment changes the number of continuing education units that may be earned for completing college coursework and increases the number of continuing education units required to maintain certification.*

(1) Annual participation in a continuing education program is required for interpreters certified in the Missouri Interpreters Certification System (MICS). This program involves study and performance options which must have prior approval from the Board for Certification of Interpreters (BCI) and which fulfill the requirements for certification maintenance in the MICS. This program may include seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, mentorship, self-study and other options, all of which must be approved by the BCI and must be related to interpreting.

(C) Presentations or program options offering MICS Continuing Education Units (CEUs) may be approved through any of the following methods:

1. All presentations and workshops offered by an Interpreter

Training Program (ITP) recognized by the BCI and housed in an accredited institution of higher education will automatically be approved for MICS CEUs;

2. All presentations and workshops that give attendees CEUs approved by the Registry of Interpreters for the Deaf (RID) will automatically be approved for MICS CEUs;

3. MICS CEUs will be given for undergraduate or graduate studies related to interpreting in any regionally accredited institution of higher education. Satisfactory proof of course completion, as required by the BCI, must be submitted in order for CEUs to be granted. The following hourly equivalents will be used by the BCI in issuing course-related MICS CEUs:

- A. 3 college credit hour course = [10] 45 contact hours;
- B. 2 college credit hour course = [6] 30 contact hours; and
- C. 1 college credit hour course = [3] 15 contact hours.

4. The BCI may approve continuing education presentations and program options other than those offered by an ITP or the RID if they meet the following criteria prior to the event:

A. Application should be submitted not less than thirty (30) days prior to the event. Applications received less than thirty (30) days in advance cannot be guaranteed notification of approval.

B. Application to the BCI for approval shall be made on forms developed by the BCI. The application shall require detailed information relating to administration and organization, teaching staff, education content and development, methods of delivery, length of education activities, targeted skill level of interpreters, facilities, and method of evaluation;

(3) An interpreter shall be required to earn *[one and two-tenths (1.2)] two (2.0)* CEUs annually for certification maintenance in the MICS. Contact hours earned in another state will be accepted by the BCI provided that the hours acquired can be documented. The twelve (12)-month period for annually earning CEUs will end ninety (90) days prior to the licensing deadline.

(6) The BCI will review and verify all MICS CEUs claimed on the CEU forms submitted. After verification, the BCI will notify the State Committee of Interpreters of the number of CEUs interpreters have earned for the year.

(B) If an interpreter's certification is not renewed because of failure to *[obtain adequate MICS CEUs]* **comply with certification maintenance requirements**, the interpreter may apply for reinstatement by submitting a completed CEU form, proper documentation, the CEU processing fee, and the reinstatement fee.

*AUTHORITY: section[s] 209.292(10), RSMo Supp. [2003] 2013, and sections 209.295(1), (6), and (8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Jan. 28, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities sixty-four thousand eight hundred dollars (\$64,800) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: Department of Elementary and Secondary Education**  
**Division Title: Missouri Commission for the Deaf and Hard of Hearing**  
**Chapter Title: Board for Certification of Interpreters**

<b>Rule Number and Title:</b>	5 CSR 100-200.130 Certification Maintenance
<b>Type of Rulemaking:</b>	Proposed Rulemaking

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>720 interpreters</b>		<b>\$64,800</b>

**III. WORKSHEET**

**Increase 6 hours X \$15/CEU = \$90/yr per interpreter**  
**\$90 X 720 = 64,800**

**IV. ASSUMPTIONS**

**Average cost per CEU \$15.**  
**Approx. 720 interpreters renewed certification during 2013**

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.150 Fees.** The Missouri Commission for the Deaf and Hard of Hearing is amending subsections (1)(C), (1)(D), and (1)(G).

*PURPOSE: The amendment changes the fees for the written test, performance test, and reevaluation, removes the late fee, and adds an EIPA proctor fee.*

(1) The following fees are established by the Missouri Commission for the Deaf and Hard of Hearing for various processes and services in the Missouri Interpreters Certification System (MICS):

(C) <b>Basic Performance Test Fee</b>	<b><del>\$(125.00)</del>275.00</b>
(D) <b>[Reevaluation] Advanced and Master Performance Test Fee</b>	<b><del>\$(125.00)</del>300.00</b>
<b>[ (G) Late Fee</b>	<b><del>\$ 30.00]</del></b>
<b>(G) EIPA Proctor Fee</b>	<b>\$ 70.00</b>

*AUTHORITY: section[s] 209.292(7), RSMo Supp. [2004] 2013, and sections 209.295(2) and 209.311, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Feb. 7, 2005, effective Aug. 30, 2005. Amended: Filed Jan. 28, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities nineteen thousand dollars (\$19,000) annually.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## FISCAL NOTE PRIVATE COST

- I. Department Title: Department of Elementary and Secondary Education  
Division Title: Missouri Commission for the Deaf and Hard of Hearing  
Chapter Title: Board for Certification of Interpreters**

<b>Rule Number and Title:</b>	5 CSR 100-200.150 Fees
<b>Type of Rulemaking:</b>	Proposed Rulemaking

## **II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>120 interpreters</b>		<b>\$19,000 per year</b>

## **III. WORKSHEET**

**Basic= \$150 increase multiplied by 80 testers per year = \$12,000**

**Advanced and Master = \$175 increase multiplied by approximately 40 testers per year = \$7,000.**

**The aggregate amount to private entities is \$19,000 per year.**

## **IV. ASSUMPTIONS**

**The Missouri Commission for the Deaf and Hard of Hearing oversees the certification of interpreters working in the state of Missouri. The Board for Certification of Interpreters recommended that the Commission adopt a certification system that is valid, reliable, legally defensible, highly effective in identifying proficient interpreters for the deaf, and furthers the enduring goal of equal access to rights, services, and education for the Deaf community. To these ends options were presented to the Commission resulting in the selection of the Texas BEI certification instrument. The Texas BEI interpreter certification process consists of a set of empirically-based, criterion-referenced sets of exams developed**

by the University of Arizona National Center for Interpretation Testing, Research and Policy(UA National Center) and Texas Department of Assistive and Rehabilitative Services – Office for Deaf and Hard of Hearing Services (DARS-DHHS). In determining fees for this new testing system, we looked to other states that have undergone a similar process: Texas, Michigan, and Illinois. We determined the fees needed to be reevaluated to cover the costs associated with the new testing system.

The cost of the Basic test compared to the current MICS test will increase by \$150. The cost of the Advanced and Master tests compared to the current MICS test will increase by \$175.

Based on the number of testers and conversions from other testing entities during 2013, it is estimated to have 120 testers per year.

The estimated number of Basic testers is 80 per year.

The estimated number of Advanced testers is 30 per year.

The estimated number of Master testers is 10 per year.

The increase in Basic test fee was multiplied by the estimated number of Basic testers for the year.

The increase in Advanced and Master test fee was multiplied by the estimated number of Advanced and Master testers for the year.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION**  
**Division 100—Missouri Commission for the Deaf and  
Hard of Hearing**  
**Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.170 Skill Level Standards.** The Missouri Commission for the Deaf and Hard of Hearing is amending the purpose statement, sections (3), (4), (5), (6), (7), and (8), deleting sections (1) and (2), and adding new sections (1) and (2).

*PURPOSE: This amendment incorporates the levels of certification issued after the adoption of new certification test.*

*PURPOSE: This rule provides standards concerning the certification levels appropriate for consumers and interpreters to practice in various interpreting settings.*

*[(1)] Interpreters should accept, refuse or withdraw from assignments based upon their experience, capability and certification level.*

*[(2)] Interpreters should prove their certification level upon request of any consumer by showing their certification documentation.*

*[(3)](1) These standards are developed to protect the health, welfare, and safety of consumers. These standards are not intended to be all-inclusive regarding potential interpreting assignments. The standards show both consumers and interpreters the skill levels that are appropriate for interpreting in various settings. Should [questionable] questions regarding specific areas of practice arise, see [4 CSR 232-3.010.] the Ethical Rules of Professional Conduct established by the Missouri State Committee of Interpreters at 20 CSR 2232-3.010.*

**(2) Interpreters must accept, refuse, or withdraw from assignments based upon their experience, capability, and certification level, and in compliance with the Ethical Rules of Conduct established by the Missouri State Committee of Interpreters at 20 CSR 2232-1.010.**

**(3) Interpreters must provide their certification level and license status upon request.**

(4) For the purpose of this rule, certifications in the Missouri Interpreters Certification System (MICS) are referred to as follows:

- |                                  |          |
|----------------------------------|----------|
| (A) [Comprehensive Certification | = Com]   |
| Master Certification             | = Master |
| (C) [Intermediate Certification  | = Int]   |
| Basic Certification              | = Basic  |

(5) For the purpose of this rule, certifications issued or accepted by the Registry of Interpreters for the Deaf (RID) and recognized by the Board for Certification of Interpreters (BCI) pursuant to 209.322(1), RSMo are referred to as follows:

- |  |                |
|--|----------------|
| (A) National Interpreter Certification<br>(NIC) Master   | = [Com] Master |
| (B) National Interpreter Certification<br>(NIC) Advanced | = [Com] Master |

(6) For the purpose of this rule, certifications issued by the National Association of the Deaf (NAD) and recognized by the BCI pursuant to 209.322(2), RSMo are referred to as follows:

- |                 |                |
|-----------------|----------------|
| (A) NAD level 5 | = [Com] Master |
| (C) NAD level 3 | = [Int] Basic  |

(7) [Effective July 1, 2003, t]The standards set forth in sections [(6)] (8) through [(13)] (15) are established for the use and guidance of interpreters in Missouri. Interpreters practicing interpreting in the settings specified below [should] must hold one (1) of the certifications listed as appropriate for interpreting in those settings.

**(8) Legal**

**Settings and Activities**

**Appropriate**

**Certifications**

Interpreters shall be certified as set forth below when interpreting for consumers involved in the legal process, including but not limited to judicial or administrative proceedings, appeals, attorney consultations, investigations, examinations or audits, arraignments, bond consultations, pre-trial release hearings, settlement or pre-trial conferences, testimony (whether at deposition, at trial, or before a grand jury) and jury duty:

**(A) Criminal matters and proceedings**

(Felony) . . . . .[Com] Master/CDI

- [1. Arraignment]
- [2. Post bond]
- [3. Pre-Trial release]
- [4. Attorney conference]
- [5. Judicial proceedings]
- [6. Courtroom]
- [7. Deposition]
- [8. Testimony]
- [9. Grand jury]
- [10. Jury duty]

**(B) Criminal matters and proceedings**

(Misdemeanor) . . . . .[Com] Master/Adv/CDI

- [1. Arraignment]
- [2. Post bond]
- [3. Pre-Trial release]
- [4. Attorney conference]
- [5. Judicial proceedings]
- [6. Courtroom]
- [7. Deposition]
- [8. Testimony]
- [9. Grand jury]
- [10. Jury duty]

**(C) Civil [(Major)] matters and**

**proceedings . . . . .[Com] Master/Adv/CDI**

- [1. Attorney conference]
- [2. Civil court proceedings]
- [3. Lawsuit]
- [4. Contested divorce]
- [5. Peace bond/restraining order]
- [6. Contested wills and trusts]
- [7. Bankruptcy]

**(D) [Civil (Minor)] . . . . .[Com] Master/Adv/CDI**

- [1. Traffic court]
- [2. Small claims court]
- [3. Attorney conference]
- [4. Civil court proceedings]
- [5. Uncontested divorce]
- [6. Wills and trusts]

**Administrative matters and proceedings before any federal, state, county, or local government agency, including but not limited to educational due process and mediation proceedings.**

**(E) Juvenile Court and Family Court, including**

**but not limited to child abuse/welfare, child adoption, child custody, termination of parental rights, and crimes by children under the age 17. . . . .[Com] Master/CDI**

- [1. Child abuse/welfare]
- [2. Child adoption]
- [3. Child custody]
- [4. Termination of parental rights]
- [5. Crimes by children under age 17]

**(F) Legal Consultation/Advice . . . . .[Com] Master/Adv/CDI**

1. Any consultation *[given by]* between a consumer and an attorney, except that if another part of this rule requires a higher level of certification, it shall control over this subsection.

(G) Law Enforcement Communications between a law enforcement agency, or its officers or agents, and the public in the performance of its official duties, including but not limited to the following circumstances: . . . *[Com]* Master/CDI

1. Arrest and process
2. Post bond
3. Confession
4. Interrogation
5. Investigation
6. Witness interview
7. Crisis intervention

(H) Law Enforcement Public Education Programs

Interpreting for any public educational program by a federal, state, county, or local law enforcement agency that promotes crime prevention, personal and public safety, and personal protection. . . . *[Com]* Master/Adv/Int/Basic/CDI

*[1. Any program that promotes safety, protection, and prevention by federal, state, county, or local law enforcement agencies]*

(I) Correctional interpreting in any correctional facility, including but not limited to the following: . . . *[Com]* Master/Adv/CDI

1. Any program for the education or rehabilitation of inmates
- [1.]2. Probation/parole meeting*
- [2.]3. Disciplinary hearing*
- [3.]4. Parole hearing*
- [4.]5. Inmate evaluation/assessment*

*[(J) Correctional Education/Rehabilitation*

*Programs . . . . . Com/Adv/Int/CDI*

*1. Any program for the education or rehabilitation of inmates in a correctional system.]*

(9) Medical Health Care  
Settings and Activities

Appropriate  
Certifications

(A) *[Medical (Serious)]* Health care

professionals and providers . . . . *[Com]* Master/Adv/CDI

Services of health care professionals and providers, including but not limited to doctors of medicine, dentists, chiropractors, optometrists, audiologists, speech pathologists, dieticians, and nutritionists.

- [1. Emergency room]*
- [2. Any complicated surgery and medical procedure]*
- [3. Life-threatening health problem]*
- [4. Obstetrics ]*

*[(B) Medical (Routine) . . . . . Com/Adv/CDI*

1. Offices and clinics of doctors of medicine
2. Offices and clinics of dentists
3. Offices and clinics of chiropractors
4. Offices and clinics of optometrists
5. Offices and clinics of audiologists/speech pathologists
6. Offices and clinics of dietitians/nutritionists
7. Visiting health care provider (nurse, doctor, therapist)
8. Hospital (Nonthreatening)]

*[(C)](B) [Nursing and] Personal Care [Facilities] Services*

Services provided for health and personal care that are not covered in subsection

(A) that are provided in independent and assisted living settings including but not

limited to: . . . . . *[Com]* Master/Adv/Int/Basic/CDI

1. Convalescent homes
2. Nursing homes
3. Home health care services
4. Hospice

*[(D)](C) Community Health*

Education . . . . . *[Com]* Master/Adv/Int/Basic/App/CDI

*[1. Any self-help program relating to health/well-being]*

*[2.] Any program or activity in the community for the general public[,] offered by hospitals/clinics and private medical[-] organizations that promotes general health[/] and well-being.*

(10) Mental

Health Settings and Activities

Appropriate  
Certifications

Interpreters shall be certified as set forth below when interpreting for consumers involved in mental health settings and activities, including but not limited to:

(A) *[Mental Health (Serious)]* Consultation, Diagnosis, Treatment, and Care.

Interpreting for consumers in any of the following mental health facilities and/or situations involving consultation, diagnosis, treatment crisis intervention or care, including

but not limited to: . . . . . *[Com]* Master/Adv/CDI

1. Mental hospitals
2. Psychiatric hospitals
3. Psychiatric units within hospitals
4. *[Crisis intervention]* Offices and clinics of mental health professionals, including but not limited to social workers, psychiatrists, psychologists, psychotherapists, and counselors.

*[(B) Mental Health (Clinical—Routine). . . . . Com/Adv/CDI*

1. Offices and clinics of psychiatric social workers
2. Offices and clinics of psychiatrists
3. Offices and clinics of psychologists
4. Offices and clinics of psychotherapists
5. Offices and clinics of counselors]

*[(C)](B) Mental Health [(Non-Clinical—*

*Routine)] Programs . . . . . [Com]* Master/Adv/Int/Basic/CDI

1. Alcoholics anonymous program
2. Narcotics anonymous program]
- 3.] Mental health programs for the general public occurring outside a mental health facility, including but not limited to

*[A]any 12-step program and self-help program relating to mental health and/or well-being*

4. Treatment planning meeting
5. Residential care facility
6. Group home

*[(D)](C) Transition*

Service . . . . . *[Com]* Master/Adv/Int/Basic/App/CDI

Interpreting for consumers involved with facilities, agencies and activities whose purpose is to assist individuals transitioning to independent living.

- [1. Independent living skills*
- 2. Job coaching]*

(11) Education

Settings and Activities

Appropriate  
Certifications

Interpreters shall be certified as set forth below when interpreting for consumers involved in educational settings and activities.

(A) Preschool . . . . . *[Com]* Master/Adv/Int/Basic/RCED (K-6)/RCED(Gen)/CDI/PCED

(B) Academic (Kindergarten—

Grade 6) . . . . . *[Com]*

Master/Adv/Int/Basic/

RCED (K-6)/RCED(Gen)/CDI/PCED

(C) Academic (Grade 7—

Grade 12) . . . . . *[Com]* Master/Adv/Int/Basic/

RCED (7-12)/RCED (Gen)/CDI/PCED

- (D) Academic (Post Secondary) **including but not limited to: Colleges, Universities, Professional Schools, Junior Colleges, Technical Institutes, and Continuing Education** . . . . . [Com/Master/Adv//Int/Basic/CDI  
[1. *Colleges, Universities and Professional Schools*  
2. *Junior Colleges and Technical Institutes*  
3. *Continuing Education*  
4. *Adult Basic Education*]
- (E) Educational Assessment **including but not limited to:** . . . . . [Com/Master/Adv//Int/Basic/CDI  
[1. *Psychological Testing*  
[2.]1. *Language Testing*  
[3.]2. *Developmental Testing*  
[4.]3. *Intelligence Testing*
- (F) Educational Conferences **between educational staff and the student, parent and/or guardian, including but not limited to Individualized Education Plan conference, Parent/Teacher conference, and Parent/School Administrator conference.** . . . . . [Com/Master/Adv//Int/Basic/CDI  
[1. *Individualized Education Plan Conference*  
[2. *Parent/Teacher Conference*  
[3. *Parent/School Administrator Conference*]
- (G) Professional Development **conferences, seminars, workshops, and training.** . . . . . [Com/Master/Adv//Int/Basic/CDI  
[1. *Conferences*  
[2. *Seminars*  
[3. *Workshops*  
[4. *Training*]
- (H) Community Education. . . . . [Com/Master/Adv//Int/Basic/App/CDI  
[1.] Any program or activity offered to the public generally by schools, colleges, or universities in the community that promotes learning is not offered as part of a degree program, is not part of the basic K-12 curriculum, and is not otherwise listed or referenced above.

- (12) **Employment** . . . . . **Appropriate**  
**Settings and Activities** . . . . . **Certifications**  
**Interpreters shall be certified as set forth below when interpreting for consumers involved in employment-related settings and activities, including but not limited to:**

- (A) [Employment Actions] **Personnel**  
**Activities** . . . . . [Com] Master/Adv/CDI  
**Interpreters shall be certified as set forth below when interpreting for consumers involved in personnel matters, including but not limited to:**

1. Interview (including the explanation or negotiation of the employment contract and employment benefits.)
2. Hiring/firing
3. Discipline
4. **Performance Appraisal**

- (B) **Employment**  
**Maintenance.** . . . . . [Com/Master/Adv//Int/Basic/CDI  
1. Staff meetings  
2. Employee/employer meetings  
3. Safety workshops  
4. Training/seminars/workshops  
5. Performance appraisal  
6. Union meeting

- (C) **Vocational**  
**Training.** . . . . . [Com/Master/Adv//Int/Basic/App/CDI

**Any training, course, or workshop designed to assist an individual to search, apply, and or qualify for employment, including but not limited to:**

1. Job training

2. Job coach
3. Vocational counseling
4. Vocational assessment
5. *Any training/workshop promoting employment*

- (13) **Financial** . . . . . **Appropriate**  
**Settings and Activities** . . . . . **Certifications**

(A) [Purchasing] . . . . . [Com/Master/Adv//Int/Basic/CDI  
**Real Estate, Insurance, Investments, and Loans. Meetings, consultations, and/or negotiations for the sale, purchase, or transfer of real estate, for the sale or purchase of insurance or investments, to obtain a loan from a financial institution or other commercial lending business.**

1. *Real estate*
2. *Insurance*

- (B) **Financial**  
**Management** . . . . . [Com/Master/Adv//Int/Basic/CDI  
1. Credit counseling  
[2. *Repossession*]  
[3. *Major loans*]  
[4.]2. Retirement  
[5.]3. Tax preparation

- (14) **Government** . . . . . **Appropriate**  
**Settings and Activities** . . . . . **Certifications**

(Federal, State, [City,] County, and Local)  
**Interpreters shall be certified as set forth below when interpreting for consumers interacting with government agencies and districts:**

- (A) **Administrative Proceedings/Hearings**  
[Non-Legal] See section (8), above, regarding  
**legal settings and activities** . . . . . [Com/Master/Adv/CDI  
[1. *Filing complaint*  
2. *Investigation*  
3. *Testimony*  
4. *Hearing*  
5. *Appeal*  
6. *Audit*]

- (B) **Social Services** . . . . . [Com/Master/Adv/CDI  
1. Any Division of Youth Services activity  
2. Any Division of Family Services activity

- (C) **Public Meetings including but not limited to:** . . . . . [Com/Master/Adv//Int/Basic/CDI  
1. Agency/board/commission/council meeting  
2. Legislative assembly  
3. Individuals meeting with public official

- (D) **Benefits/**  
**Services** . . . . . [Com/Master/Adv//Int/Basic/[App]/CDI  
1. Food stamps  
2. Drivers' license testing  
[3. *Voter registration*]  
[4.]3. Welfare  
[5.]4. Social Security  
[6.]5. Unemployment benefits  
[7.]6. Medicare/Medicaid  
[8. *Any type of governmental benefits or services*]

- (E) **Recreational/education**  
**programs** . . . . . [Com/Master/Adv//Int/Basic/App/Nov/CDI  
1. Federal and state parks  
2. Missouri history  
3. Conservation  
4. *Nat[ional]/ural* resources  
5. Energy saver  
6. Environment  
7. Natural disaster awareness  
8. Public awareness  
9. Recreational activities



10. Any program or activity offered by a public entity to increase the public's awareness of government, safety, health, economics, appreciation, protection, etc.

**(15) Entertainment  
Setting**

**Appropriate  
Certifications**

**Interpreters shall be certified as set forth below when interpreting for consumers involved in entertainment settings and activities, including but not limited to:**

**(A) Performing Arts [(Unrehearsed)] Any**

**type of performance but not limited**

**to: . . . . . [Com]/Master/Adv/[Int]/Basic/App/CDI**

1. Theaters
2. Concerts
3. Comedy shows
4. Magic shows

**[5. Any type of stage performance]**

**[(B) Performing Arts**

**(Rehearsed). . . . . Com/Adv/Int/App/Nov/CDI**

1. Theaters
2. Concerts
3. Comedy shows
4. Magic shows

**5. Any type of stage performance]**

**[(C)](B) Social**

**Activities . . . . . [Com]/Master/Adv/[Int]/Basic/App/Nov/CDI**

**Any other type of activity presented primarily for social or entertainment purposes, including but not limited to:**

1. Festivals
2. Fairs
- [3. Sport leagues]**
- [4.]3. Sight-seeing tours**
- [5.]4. Rodeos**
- [6.]5. Circuses**
- [7. Recitals]**
- [8.]6. Carnivals**
- [9.]7. Amusement parks**
- [10.]8. Camps**

**[11. Any type of activity for entertainment purposes only]**

**AUTHORITY:** sections 209.292(5) and (8), RSMo Supp. Supp. [2007] 2013. Original rule filed Nov. 27, 1996, effective July 30, 1997. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 28, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf and  
Hard of Hearing  
Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.210 Reinstatement.** The Missouri Commission for the Deaf and Hard of Hearing is amending subsection (4)(A).

**PURPOSE:** This amendment changes the number of continuing education units required for reinstatement to comply with proposed rule change 5 CSR 100-200.130.

(4) The Board for Certification of Interpreters (BCI) will automatically reinstate the certification of any interpreter whose certification was not renewed for failure to comply with certification maintenance requirements upon evidence to the BCI of the following:

(A) Completion of *[one and two-tenths (1.2)] two (2.0)* Missouri Interpreters Certification System continuing education units for every applicable year as set forth in 5 CSR 100-200.130; and

**AUTHORITY:** sections 209.292 and 209.295(2) and (8), RSMo 2000. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Feb. 7, 2005, effective Aug. 30, 2005. Amended: Filed Jan. 28, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Commission for the Deaf and Hard of Hearing, 1500 Southridge Drive, Suite 201, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 1—Organization and Administration**

**PROPOSED AMENDMENT**

**11 CSR 45-1.090 Definitions.** The commission is adding subsections (3)(B), (20)(D) and (E), and relettering the remaining subsections.

**PURPOSE:** This amendment will add several new definitions to define terms used for independent testing laboratories.

(3) Definitions beginning with C—

**(B) Certification by independent testing laboratories (ITLs)—**  
**A written document issued by an independent testing laboratory attesting to the compliance of a particular product with applicable Missouri laws, regulations, Minimum Internal Control Standards (MICS), and adopted technical standards;**

**[(B)](C) Chief administrative officer—**Means the president of a corporation, the managing partner of a partnership, the general partner(s) of a limited partnership, the individual of a sole proprietorship, the managing agent of a joint venture, or the managing agent of a limited liability company. For a consortium of financial participants where no formal chief administrative officer exists, chief administrative officer shall mean the chief administrative officer of the largest financial participant;

**[(C)](D) Chip—**A nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of a

Class B license for use in gaming other than in electronic gaming devices on the license holder's riverboat;

**[(D)](E)** Commission—The Missouri Gaming Commission or its agents;

**[(E)](F)** Commission surveillance room—A room(s) on each riverboat for the exclusive use of the commission or commission agents for monitoring and recording of gaming and other activities;

**[(F)](G)** Continuously docked excursion—A continuously docked excursion boat shall set a schedule of excursion as required by the definition of excursion. This schedule shall designate a specific time for boarding. On each scheduled excursion, no new passengers shall board after the specified time for boarding has expired; and

**[(G)](H)** Critical program storage media—Any program storage media that contains software that may affect the integrity of gaming, including but not limited to game accounting, system, and peripheral firmware devices involved in or which significantly influence the operation and calculation of game play, game display, game result determination, game accounting, revenue, or security, and which must be verified utilizing an external third-party methodology approved by the commission and which may, as determined by the commission, have security seals attached thereto.

(20) Definitions beginning with T—

**(D) Test cases**—A description of processes utilized by the ITL to assess compliance with test scripts;

**(E) Test scripts**—A template to record findings constructed by the ITL to assess compliance with all applicable Missouri statutes, regulations, adopted technical standards, and MICS;

**[(D)](F)** Theoretical payout percentage—The sum of the number of tokens expected to be paid as a result of jackpots divided by the number of different possible outcomes;

**[(E)](G)** Ticket of admission—A physical or electronic implement, approved by the commission, which records and verifies the admission of patrons onto an excursion gambling boat for the purpose of accounting for the admission fee imposed by section 313.820, RSMo; and

**[(F)](H)** Token—A metal object or other representation of value that is authorized by statute and/or approved by the commission, which is redeemable for cash only at the issuing riverboat gaming operation, and issued and sold by a holder of a Class B license for use in electronic gaming devices.

**AUTHORITY:** section 313.004, RSMo 2000, and sections 313.805 and 313.817, RSMo Supp. [2010] 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 30, 2014.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, April 9, 2014, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 4—Licenses

### PROPOSED AMENDMENT

**11 CSR 45-4.230 Supplier's License Criteria.** The commission is amending section (4).

**PURPOSE:** This amendment removes the affiliate supplier license, and updates the standards for independent testing laboratories.

(4) An independent testing laboratory (ITL) applying for or **currently holding** a supplier license is subject to compliance with all other requirements of this rule in addition to the following criteria:

(A) The *[independent testing laboratory (hereinafter referred to as "test laboratory")]* ITL shall test, evaluate, conduct math analyses, verify, certify, and/or render opinions as directed by the commission on—

1. Table games, including electronic and dealer assisted electronic table games;
2. Electronic gaming devices and payglass;
3. Random number generators;
4. Progressive gaming devices and controllers;
5. Wide area progressive systems and associated equipment;
6. Online monitoring and control systems;
7. Ticket validation systems;
8. Wireless devices and systems;
9. Cashless, promotional, and bonusing systems;
10. **Redemption** /K/kiosks;
11. All gaming related peripherals, software, and systems;
12. Electronic bingo devices, software, and systems;
13. Shuffling devices; and
14. Other gaming devices and associated equipment (hereinafter referred to as "gaming equipment") for compliance with Missouri laws, regulations, **minimum internal control standards**, adopted technical standards, and requirements as codified or otherwise set forth;

(B) No test laboratory or its owners, officers, directors, managers, **consultants, [or] employees, or any other position deemed by the director** shall—

1. Own any interest in or be employed by:
  - A. A Class A licensee; or
  - B. A Class B licensee; or
  - C. A Level I occupational licensee; or
  - D. A Level II occupational licensee; or

*[E An affiliate supplier licensee; or]*

*[F/E.* A supplier licensee other than the test laboratory for whom the person is an officer, director, manager, **consultant**, or employee.

2. This regulation shall not preclude *[test laboratories]* ITLs from contracting directly with suppliers or gaming companies to produce test reports that are in turn used to show evidence of regulatory compliance;

(C) No Class A, Class B, supplier, *[affiliate supplier]* or occupational licensee shall own an interest in or be employed by an *[test laboratory]* ITL performing services relating to the conduct or regulation of gaming in Missouri unless such person is required to be licensed as a key person or occupational licensee in conjunction with an *[test laboratory]* ITL's licensing as a supplier. No person may be a key person or employed by more than one (1) *[test laboratory]* ITL licensed by a jurisdiction within the United States;

(D) The *[test laboratory]* ITL shall make available upon the commission's request the background investigations conducted on each of its employees pursuant to 11 CSR 45-10.090;

(E) The *[test laboratory]* ITL shall *[perform all]* **verify** compliance **with all** requirements to the sole satisfaction of the commission;

*[(F) Prior to any new technology being certified for the Missouri jurisdiction, the test laboratory shall consult with the commission and obtain approval from the commission prior to testing, evaluating, analyzing, certifying, verifying, or rendering opinions for or on behalf of the commission. The test laboratory may bill the supplier of the new technology for all cost associated with such consultation with the commission. Any information a test laboratory may provide to the commission relating to the consideration of new technology shall be considered proprietary information and a closed record pursuant to section 313.847, RSMo provided such information is mutually agreed upon between the commission and the test laboratory and labeled as proprietary.]*

*[(G)](F) All testing and certification of gaming equipment performed for or on behalf of the commission shall be conducted at the [test laboratory] ITL's place(s) of business. [which shall be located within the United States, all of which] ITLs shall maintain current International Organization for Standardization (ISO) (17020/17025) certification and accreditation. Upon request, the [test laboratory must] ITL shall supply the commission all ISO required internal controls, policies and procedures/. In extreme circumstances, the executive director may authorize, in writing, testing and certification of gaming equipment outside of the United States on a temporary basis];*

*[(H)](G) The [test laboratory] ITL shall not subcontract any testing or certification of gaming equipment performed for or on behalf of the commission [without prior written approval from the commission];*

*[(I)](H) The commission shall, at all times, have immediate and unfettered access to the [test laboratory] ITL's place(s) of business. Should it be determined necessary by the commission, the [test laboratory] ITL shall reimburse the commission for all reasonable and necessary expenses incurred by its agents:*

1. To travel to the site to inspect the operations and certification process of gaming equipment;
2. To inspect each of the [test laboratory] ITL's place(s) where testing for the commission is conducted to ensure the integrity of work is maintained;
3. To investigate [quality control] issues as determined by the commission; and
4. For such reasons as the commission deems appropriate;

*[(J)](I) All reports, documentation, and material developed or acquired by the [test laboratory] ITL while conducting work for or on behalf of the commission shall become the joint property of the commission and the [test laboratory] ITL. Upon expiration/, termination/, or [cancellation] revocation of [the] its license[s], certified copies of all documents, data, reports, and accomplishments prepared, furnished, or completed by the [test laboratory] ITL for or on behalf of the commission shall be delivered to the commission within forty-five (45) calendar days and [become] shall remain the joint property of the commission and the [test laboratory] ITL. In addition, the [test laboratory] ITL shall provide access to any equipment or materials used while conducting work for or on behalf of the commission for a period of one hundred twenty (120) days after the expiration/, termination/ or [cancellation] revocation of [the] its license[s].*

1. Reports, documentation, conversation, discussions, **forensic evaluations**, and material prepared, including program(s) or source code developed as a result of work performed for or on behalf of the commission, are proprietary and confidential and shall not be used or marketed by the [test laboratory] ITL or released to the public without the prior written consent of the commission/, *which shall not be unreasonably withheld*].

2. The [test laboratory] ITL shall employ data redundancy that permits a complete and prompt recovery of all information and documentation retained by the [test laboratory] ITL in the event of any malfunction and shall utilize environmental controls such as uninterruptible power supplies, [and] fireproofing **materials**, and

waterproofing materials to protect critical hardware and software from natural disasters.

3. The [test laboratory] ITL shall maintain an **electronic** repository of approved/, *obsolete/* and revoked software for all gaming equipment [tested and certified] **submitted for testing for the Missouri jurisdiction**. [The] Such **electronic** repository shall [be secure and have restricted access, which shall be documented on a commission approved ingress and egress log. The test laboratory shall retain the log for a minimum of two (2) years.] utilize tools which support hash-based message authentication code using Secure Hash Algorithm 1 (HMAC-SHA1) seeding and SHA1 hashing. The repository of critical program storage media (CPSM) shall be secure and have restricted access. The primary electronic repository shall reside at the ITL's place of business and shall be equipped with environmental controls such as fireproofing **materials** and waterproofing materials to protect software from natural disasters. [The test laboratory shall provide the commission copies of all previously certified Critical Program Storage Media (CPSMs) within one hundred twenty (120) days of the expiration, termination or cancellation of the test laboratory's license.]

4. All documents, data, reports, and [accomplishments] **correspondence** prepared, furnished, or completed by the [test laboratory] ITL for or on behalf of the commission shall be retained until its disposal is approved in writing by the commission;

*[(K)](J) Upon the [test laboratory] ITL's certification of gaming equipment, a unique identification code or signature acceptable to and approved by the commission shall be assigned to each CPSM as defined by 11 CSR 45-1.090 using a commission approved tool which possesses the ability to export results. The assigned identification code or signature and the means for generating such code or signature shall be included in all documents, reports, and databases as determined by the commission.*

1. The [test laboratory] ITL shall provide the commission with step-by-step verification procedures for each tool, device, or mechanism used to assign the unique identification codes or signatures.

2. The [test laboratory] ITL shall provide to the commission, at no charge, in quantities determined by the commission, any verification tool, device, or mechanism that is required for commission agents to verify the code or signature of any approved CPSM. The [test laboratory] ITL may charge the supplier for expenses associated with such verification tools.

3. The [test laboratory] ITL must support the verification tools, devices, or mechanisms and replace, repair, update, or upgrade them as deemed necessary by the commission. The [test laboratory] ITL may charge the supplier for expenses associated with such verification tools.

4. All equipment, procedures, software or other intellectual property developed, or owned and protected by United States/ patents, copyrights, or trademark laws in conjunction with the unique identification signature process shall be closed record under section 313.847, RSMo, provided such information is mutually agreed upon between the commission and the [test laboratory] ITL and labeled as proprietary;

*[(L)](K) The [test laboratory] ITL shall provide, in a commission approved format:*

1. A verification manual, including tables and color photographs, of [all] **recommended** critical components [identified by the test laboratory or commission must] to be verified and sealed./;]

2. Flow charts and diagrams of each system and its associated hardware and software approved by the [test laboratory] ITL on behalf of the commission, depicting the interrelationship of system components, identifying components which are **recommended** to be field tested and verified by commission agents./; and

3. The supplier of the equipment to be verified shall be responsible for all expenses associated with providing the verification manuals and diagrams. Failure of the supplier to pay the necessary

expenses shall in no way release the *[test laboratory]* ITL from providing to the commission current documentation *[as outlined in paragraphs (4)(L)1. and 2.]*;

*[(M)](L)* The *[test laboratory]* ITL shall develop and maintain a database, acceptable to the commission, of all *[approved, obsolete, and revoked]* gaming equipment certified by the ITL for the state of Missouri.

1. The *[test laboratory]* ITL shall maintain a quality assurance mechanism to ensure uniform data and data entry processes.

2. The database and report(s) must be current as of the end of the previous business day, and in a commission approved format;

*[(N)]* The test laboratory shall, within five (5) business days after the certification, rejection, or withdrawal of any submission, issue a letter to the commission describing the testing that was performed on the gaming equipment and the result of such testing. All letters or documentation must be submitted in a commission approved format. All certifications are subject to review by the commission. The commission, through the executive director, reserves the right to immediately suspend, revoke or reject any test laboratory certifications with or without cause. The test laboratory may request, in writing, a hearing within thirty (30) days of the occurrence. The executive director will exercise authority to resolve all issues at hearing subject to appeal to the commission;

*[(O)](M)* Should the *[test laboratory]* ITL be informed of any situation or incident involving the integrity of any gaming equipment presently approved for Missouri, the *[test laboratory]* ITL shall *[immediately]* notify the commission of the incident within forty-eight (48) hours of being apprised of the situation or incident. The notification shall be in a format approved by the commission;

*[(P)](N)* The *[test laboratory]* ITL shall directly invoice the licensee, *[supplier]* manufacturer, entity, or individual for whom the testing services were provided;

**(O) The ITL shall annually, or as changes occur, provide documentation to the commission of all possible billable hourly rates for services offered, including nights, weekend, or holiday rates. Documentation shall include discounted rates that may be offered;**

*[(Q)](P)* The *[test laboratory]* ITL shall not receive any bonus/*[premium]*, or other compensation from any licensee, *[supplier]* manufacturer, entity, or individual(s) above the provided billable hourly rates *[pursuant to subsection (4)(Y)]* provided to the commission for services provided;

*[(R)](Q)* The *[test laboratory]* ITL shall, upon request, provide the commission a summary report of all invoices to licensees, *[suppliers,]* manufacturers, entities, or individuals *[during the previous month]*. The report shall include for each submission the item submitted—

1. The date on which the submission was received in the laboratory;
2. The date rejected, withdrawn, or certified;
3. The invoice number;
4. Invoice date;
5. Name of licensee, *[supplier]* manufacturer, entity, or individual for whom the services were rendered;
6. Billable hours;
7. Hourly rates; and
8. Invoice total;

*[9. The test laboratory shall be subject to commission audits, the costs for which shall be borne by the test laboratory;]*

*[(S)](R)* The *[test laboratory]* ITL shall possess and maintain all online computerized *[data]* monitoring systems approved by the commission which are utilized in Missouri licensed gaming establishments. Such online computerized data monitoring systems shall

be used in the interoperability testing *[as set forth in 11 CSR 45-5.190]*;

*[(T)](S)* The *[test laboratory]* ITL shall provide, free of charge to the commission, *[twenty-four (24) hours a day,]* technical and regulatory compliance support. The *[test laboratory]* ITL shall provide responses and follow-up *[within twelve (12) hours]* as directed by the MGC. In instances where the *[test laboratory]* ITL providing the support is also conducting the testing for the device, the time allocated for support shall be considered part of the testing process and the *[test laboratory]* ITL may bill the *[supplier]* manufacturer for the cost of the technical support. In instances where the *[test laboratory]* ITL providing the support is not conducting the testing for the device, the commission may require the *[supplier]* manufacturer of the device to reimburse the *[test laboratory]* ITL at the rate the *[test laboratory]* ITL charges *[suppliers]* manufacturers for such support;

*[(U)](T)* The *[test laboratory]* ITL shall, as required by the commission, perform on-site field testing or inspections of gaming equipment. During *[on-site inspections]* these visits, the *[test laboratory:]* ITL personnel shall—

1. *[Inspection personnel shall n/]*Not socialize with gaming operators' or *[suppliers']* manufacturers' staff;

2. *[Shall f/]*Furnish all necessary material and equipment to perform the required services;

3. *[Shall provide]* Be competent and properly trained personnel in accordance with testing standards, Missouri laws, regulations, and *[internal policies]* minimum internal control standards;

4. *[Shall i/]*Invoice for actual and reasonable travel and travel-related expenses consistent with ordinary and prudent business practices given the circumstances of the travel required for the project. The commission shall not be liable for reimbursement for such travel and travel-related expenses. The licensee, for whom the on-site inspection occurred, shall be responsible for the payment of travel and related travel expenses;

5. *[Inspection personnel shall o/]*Obtain a Missouri Level II occupational license prior to performing any actions on the gaming floor;

6. Not consume alcohol while performing in their official capacity at the Class B licensee's property; and

7. Not participate in gambling activities while performing in their official capacity at the Class B licensee's property;

*[(V)](U)* The *[test laboratory]* ITL shall provide, free of charge to the commission, additional consulting services for commission personnel on an as needed/*[if needed]* basis. Such additional services at a minimum shall include, but not be limited to:

1. Providing consultation to the commission and assisting the commission in drafting rules and procedures regarding the establishment of uniform operating procedures for gaming equipment testing;

2. Providing training to commission employees on gaming equipment testing, new technology, and auditing procedures;

*[(W)](V)* The *[test laboratory]* ITL shall *[create]* draft and maintain gaming equipment test scripts *[and test plans which measure adherence]* to address Missouri statutes, regulations, minimum internal control standards, and adopted technical standards for testing a specific device. In addition, the ITL shall create specific testing procedures (test cases) that shall be used to assess compliance with the applicable test scripts. All gaming equipment shall be tested in accordance with said test scripts and test *[plans]* cases. Each test script shall have a unique version number. *[The commission will assess the test laboratory's test scripts' and test plans' adequacy in measuring compliance with Missouri laws, regulation, and adopted technical standards.]* The *[test laboratory]* ITL shall modify the test scripts and test *[plans]* cases to adapt to new technology, rule changes, or as directed by the commission. Anytime a Missouri test script is revised, a copy with the effective date shall be forwarded to the commission. The *[test laboratory]* ITL and commission will conduct an annual review of the test scripts *[and test plans,]* and the

**ITL shall** modify them as necessary. All documents, procedures or other intellectual property employed by an *[test laboratory]* ITL in conjunction with the development of Missouri test *[script is]* case(s) **shall be** deemed to be proprietary information and a closed record under section 313.847, RSMo, unless otherwise determined by the commission;

*[(X)](W)* The *[test laboratory]* ITL shall conduct forensic evaluations or analyses on gaming equipment (whether legal or illegal) as directed by the commission. A final forensic report must be drafted outlining all testing performed, the cause of the problem, and the outcome of the investigation, if specifically identified, **and shall remain a closed record under section 313.847, RSMo, unless otherwise determined by the commission;**

*[(Y)]* The test laboratory shall annually, or as changes occur, provide documentation to the commission of all possible billable hourly rates for services offered;]

*[(Z)](X)* The *[test laboratory]* ITL shall employ a staff of full-time skilled professionals of such number to afford a separation of responsibilities that provides independent work product verification and fulfills the requirements stated herein to the satisfaction of the commission. The *[test laboratory]* ITL shall, at a minimum, employ personnel in the disciplines of mathematics, engineering (mechanical, electrical, and software), systems and communication protocol, compliance and quality assurance, and field inspections;

*[(AA)]* The test laboratory shall only utilize personnel in performance of services who are authorized to work in the United States in accordance with applicable federal and state laws and regulations; and]

*[(BB)](Y)* The *[test laboratory]* ITL shall provide all services using competent *[and]* personnel who are properly trained *[personnel]* in *[accordance with the highest testing standard of the gaming industry.]* Missouri test scripts and test cases before performing work for or on behalf of the commission. All training shall be documented and such documentation shall be available upon request;

*(Z)* The ITL shall be subject to commission audits, the costs for which shall be borne by the ITL;

*(AA)* The ITL shall maintain all commercial test equipment in accordance with manufacturer's specifications and recommendations, and shall provide the commission with evidence of such upon request;

*(BB)* If an ITL hires an individual who was previously employed by, or performed any work for any licensee, the ITL shall not permit that individual to inspect, test, or certify any gaming equipment produced by the licensee for use in Missouri, for a period of one (1) year from the individual's date of termination from the licensee;

*(CC)* ITLs shall not participate, consult, or otherwise be involved in the design, development, programming, or manufacturing of any game, gaming equipment, cashless wagering system or any component thereof, or online monitoring system or any component thereof or modification thereto;

*(DD)* All test cases conducted and the results of those procedures shall be documented by the ITL. Such documentation shall be made available to the commission upon request;

*(EE)* The ITL shall maintain copies of the results of any International Organization of Standardization/International Electrotechnical Commission (ISO/IEC) 17025 audits or reviews and shall forward a copy of the results to the commission within fifteen (15) days of when they become available to the ITL;

*(FF)* All source code and binary images tested by the ITL shall be maintained and provided to the commission upon request;

*(GG)* The ITL shall provide the commission with all forensic procedures and utilities for electronic gaming devices currently in operation in Missouri; and

*(HH)* The ITL shall report to the commission, within forty-eight (48) hours any known laboratory testing deficiency against any Missouri standard that has been identified for any hardware or software that is currently certified for the Missouri jurisdiction. The ITL shall perform an investigation and report the find-

ings to the commission within seven (7) days of the ITL being apprised of the testing deficiency.

*AUTHORITY:* section[s] 313.004, RSMo 2000, and sections 313.805 and 313.807, RSMo Supp. 2013. Emergency rule filed Feb. 3, 1995, effective Feb. 13, 1995, expired June 12, 1995. Original rule filed Feb. 3, 1995, effective Aug. 30, 1995. Amended: Filed Dec. 3, 2007, effective May 30, 2008. Amended: Filed Jan. 30, 2014.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will have a one (1)-time cost to one (1) private entity of two thousand three hundred forty dollars (\$2,340).

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, April 9, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division Title: 45---Missouri Gaming Commission**  
**Chapter Title: 4—Licenses**

<b>Rule Number and Title:</b>	<b>11 CSR 45-4.230 Supplier's License Criteria</b>
<b>Type of Rulemaking:</b>	<b>Proposed Amendment</b>

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by the adoption of the rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
(4)(J)—1 independent testing laboratory	independent testing laboratory	\$2,340 one-time cost

**III. WORKSHEET**

(4)(J)—One independent testing laboratory (ITL) × 12 hours of programming time × \$195 per hour = \$2,340

**IV. ASSUMPTIONS**

(4)(J)—This amendment will require ITLs to modify existing testing tools to include a specific export format. Such modification will be designed in a format acceptable to the commission, which permits the exporting of electronic gaming device and gaming equipment verification signatures. The commission anticipates this cost will be a one-time cost.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.190 Minimum Standards for Electronic Gaming Devices.** The commission is amending section (1) by dividing it into three (3) separate sections, and renumbering the remaining sections accordingly; and amending subsection (3)(J) and section (4).

*PURPOSE: This amendment adds the confidence level for payout of wagers, requires the minimum payout percentage to apply to each wagering combination, and changes the class designation.*

(1) Electronic gaming devices *[must]* **shall not be programmed to pay out *[not]* less than eighty percent (80%) of all wagers, *[during the expected lifetime of the game,]* including bonus games, within the first ten (10) million handle pulls and thereafter. The minimum payout percentage requirement shall be met regardless of the amount wagered per game.**

(2) Electronic gaming devices that may be affected by player skill must meet *[this standard]* **the minimum payout percentage requirement even when *[using a method of play that will provide the greatest]* the skill of the player provides the lowest possible return to the player *[over a period of continuous play]* from the skill portion of the game.**

(3) The probability of obtaining the maximum payout on any electronic gaming device shall not be *[greater]* **less than one (1) in fifty (50) million.**

~~/(2)/(4)~~ Electronic gaming devices shall—

(A) Be subject to testing prior to implementation within the state and at any time thereafter by the commission or an independent testing laboratory designated by the commission, and subject to review and approval by the commission for adherence to the regulatory and technical standards adopted or approved by the commission;

(B) Be controlled by a microprocessor or the equivalent in such a manner that the game outcome is completely controlled by the microprocessor or equivalent device as approved by the commission;

(C) Utilize a communication protocol that is compatible with and interfaces with the communication protocol used by all online computerized data monitoring, data management, and ticket validation systems approved by the commission for use at licensed gaming establishments. Electronic gaming devices and any peripheral equipment or devices, including the equipment's or device's operating systems and software, shall, prior to approval for use within the state, be tested for interoperability by a commission-approved independent testing laboratory to ensure compliance with this subsection. Once approved, no modifications shall be made to said gaming devices, peripheral equipment, systems, or software that would cause them to be non-compliant with this subsection;

(D) Have a logic area in a separate locked internal enclosure within the device which houses electronic components that have the potential to significantly influence the operation of the gaming device. Electronic components required to be housed within the logic area include computer processor units (CPUs) and all critical program storage media;

(E) After January 1, 2006, clearly and accurately display, via Attendant Menu, the identification number and version, as applicable, of all software and firmware contained within the electronic gaming device and its top box which are involved in game communication or the operation and calculation of game play, game display, or game result determination;

(F) Be able to recover to the state the gaming devices were in immediately prior to the occurrence of a program interruption or

power loss and continue a game with no data loss. Upon program resumption, the following procedures must be performed:

1. Any communications to an external device shall not begin until the program resumption routine, including self-tests, is completed successfully;

2. Gaming device control programs test themselves for possible corruption due to failure of the program storage media; and

3. The integrity of all critical memory is checked;

(G) Have game data recall capable of providing all information required to fully reconstruct at least the last five (5) games, retrievable upon the operation of an external key-switch or other secure method not available to the player. The five (5)-game recall shall reflect bonus rounds in their entirety. For games that may have infinite free games, there shall be a minimum of fifty (50) games recallable;

(H) Have a random selection process that must not produce detectable patterns of game elements or detectable dependency upon any previous game outcome, the amount wagered, or upon the style or method of play;

(I) Clearly and accurately display applicable rules of play and the award that will be paid to the player when the player obtains a specific win, including mystery awards. The displays shall clearly indicate whether awards are designated in denominational units, currency, credits or some other unit. All pay-table information must be able to be accessed by a player prior to the player committing to a wager. Pay glass and its corresponding artwork for mechanical displays must be submitted to an independent testing laboratory designated by the commission for review and approval prior to implementation within the state;

(J) Display an accurate representation of each game outcome. After selection of the game outcome, the electronic gaming device must not make a variable secondary decision which affects the result shown to the player;

(K) Have a complete set of nonvolatile meters including amount-in, amount-out, amount dropped, total amount wagered, total amount won, number of games played and jackpots paid, or their equivalent as approved by the commission;

(L) Have available for random selection at the initiation of each play, each possible permutation or combination of game elements which produce winning or losing game outcomes; and

(M) Not automatically alter pay-tables or any function of the electronic gaming device based on internal computation of the hold percentage.

~~/(3)/(5)~~ When an electronic gaming device is unable to automatically provide payment of jackpots requiring the payment to be made by the riverboat, jackpot payout tickets must be prepared either by the computerized slot monitoring system or manually by casino personnel containing the following information:

(A) The location of the electronic gaming device;

(B) The date;

(C) The time of day;

(D) The electronic gaming device number;

(E) The denomination of the game played;

(F) The amount of the jackpot payout in written and numeric form;

(G) Total before taxes and taxes withheld, if applicable;

(H) Amount to patron;

(I) Total amount played and game outcome of award, if applicable;

(J) The signature of a holder of a Class ~~/A/~~ **B** license or the licensee employee making the payment, as approved by the commission; and

(K) A signature of at least one (1) other riverboat gaming operation employee attesting to the accuracy of the form.

~~/(4)/(6)~~ In addition to the requirements of this rule, all licensees shall comply with Chapter E of the Minimum Internal Control Standards as authorized by 11 CSR 45-9.~~/O30/~~**105**.

**AUTHORITY:** *section[s] 313.004, RSMo 2000, and sections 313.800[,], and 313.805, RSMo Supp. [2006] 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 30, 2014.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, April 9, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

### PROPOSED RULE

#### 11 CSR 45-5.225 Request for Gaming Devices and Associated Equipment Approval

**PURPOSE:** *This rule establishes the process for requesting approval of gaming equipment for use in Missouri. Suppliers, Class A and Class B licensees are required to provide the documentation listed herein to be considered a valid request. All suppliers and Class A and Class B licensees must receive an authorization letter from the commission for gaming devices and associated equipment and slot accounting systems to be considered approved for use within the state of Missouri.*

(1) Prior to any new technology being certified for the Missouri jurisdiction, the manufacturer shall consult with the commission to assure such new technology would be compliant with Missouri's regulations.

(2) Effective September 30, 2014, the commission will become the sole approval authority for all gaming devices and associated equipment and slot accounting systems. Suppliers, Class A, and Class B licensees must receive an authorization letter from the commission before such gaming equipment and slot accounting systems are considered "approved" for use in the state of Missouri.

(3) Effective September 30, 2014, all existing certifications from independent testing laboratories (ITLs) will be considered valid. Gaming equipment and slot accounting systems currently utilized at Class B licensees' facilities will remain in an approved status. Supplier, Class A, or Class B licensees must notify the commission prior to placing any gaming equipment or slot accounting system into service which has been previously certified by an ITL, but not actively in service on September 30, 2014, to be reviewed for approval by the commission. The commission will issue approval for such request, provided such gaming equipment or slot accounting system does not contain any known malfunctions or anomalies.

(4) The supplier, Class A, or Class B licensee submitting a request for approval of gaming equipment or a slot accounting system shall do so through the commission's electronic portal.

(A) All information in the request shall be complete and accurate. Should such request be determined inaccurate, the commission shall be notified immediately. The request shall include the following:

1. ITL's certification documentation;
2. A complete list of hardware and software modifications requested for approval;
3. Test Script version number used by the ITL for testing;
4. Probability Accounting Report (PAR) sheets, if applicable;
5. Documentation describing the installation and configuration procedures;
6. The applicable functionality being requested; and
7. Any additional supplemental documentation clarifying the technology requested for approval (e.g., white paper).

(B) Additional information may be requested by the commission at any time, including the digital image(s) (critical executable files) of the production version of the device.

(C) The submitting supplier, Class A, or Class B licensee shall digitally sign a statement that the product meets all regulatory requirements.

(5) The commission may make a preliminary, nonbinding determination whether any new gaming equipment or slot accounting system meets the Missouri rules, regulations, and statutes. At the commission's sole discretion, the commission may require any new gaming equipment or slot accounting system to be tested in a field trial environment(s) at a licensed gaming establishment(s). Each field trial shall be conducted for at least sixty (60) calendar days and no more than one hundred eighty (180) calendar days under terms and conditions that the commission may approve or require. The supplier shall submit a report to the commission every thirty (30) days detailing the performance of the product being tested, exception reports outlining any exception codes triggered, a list of customer complaints and inquires regarding the performance, and other items as determined by the commission. A field trial may be terminated at any time, in which case the new gaming equipment or slot accounting system will not be approved as a result of such field trial.

**AUTHORITY:** *section 313.004, RSMo 2000, and section 313.805, RSMo Supp. 2013. Original rule filed Jan. 30, 2014.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will cost fourteen (14) private entities two hundred thirty-seven thousand sixty-two dollars (\$237,062).*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, April 9, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*



**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: 11—DEPARTMENT OF PUBLIC SAFETY  
Division Title: 45---Missouri Gaming Commission  
Chapter Title: 5—Conduct of Gaming**

<b>Rule Number and Title:</b>	<b>11 CSR 45-5.225 Request for Gaming Devices and Associated Equipment Approval</b>
<b>Type of Rulemaking:</b>	<b>Proposed Rule</b>

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by the adoption of the rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule annually by the affected entities:</b>
14 Licensed Manufacturers	Manufacturers of Gaming Equipment	\$237,062

**III. WORKSHEET**

1,677 (3 year average of certified components submittals) × 2.33 hours per component submittal × \$60.67 per hour = \$237,062

**IV. ASSUMPTIONS**

This rule will require each manufacturer to submit information to the Commission for each electronic device equipment or gaming system which is submitted for approval to the Commission.

It is estimated that gathering and submitting this information will take on average approximately 2.29 hours per request. This average is based on a weighted average from time estimates submitted by manufacturers. The salaries plus benefits for the individuals performing this work is estimated at \$60.67 per hour based on a weighted average. The weighted average was based on the percentage of submissions per manufacturer. On average the Commission receives 1677 individual components submitted per year. Each submission by a licensed manufacturer will cost \$141.36. The estimated annual cost is \$237,062 for all manufacturers in the aggregate. The Commission anticipates this cost will recur annually for the life of the rule.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

#### **4 CSR 240-3.570 Requirements for Carrier Designation as Eligible Telecommunications Carriers is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1461). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embark Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications,

Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

**RESPONSE:** The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #2:** The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in

the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory

process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that it asks to rescind this particular rule provision to consolidate all relevant rule provisions within Chapter 31. The provisions of this Chapter 3 rule are being redistributed to several rules within Chapter 31.

RESPONSE: The commission thanks staff for that explanation. No other comments were offered about this rule and the commission will proceed with the rescission.

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 240—Public Service Commission**

#### **Chapter 31—Universal Service**

### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1461-1463). Those sections with changes have been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to

retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: STCG suggests a change to the definition of Eligible Telecommunications Carrier (ETC) found in section (5) of the proposed rule 4 CSR 240-31.010 as published in the *Missouri Register*. As part of its suggestion that the commission retain general "high-cost" language as part of this rule 4 CSR 240-31.010, STCG recommends the commission incorporate mention of the high-cost program into this definition. Staff replied that it wants to rescind the substantive provisions of the rule that relate to the "high-cost" program because no such program currently exists and if such a program were to be implemented the existing regulations are obsolete and would need to be replaced. However, staff indicated it does not object to STCG's proposal to retain "high-cost" in the definitional type sections of the regulations while deleting the obsolete substantive regulations that would govern a high-cost program if one is ever implemented.

RESPONSE AND EXPLANATION OF CHANGE: The commission will incorporate the revised language proposed by STCG for this definition.

COMMENT #8: Section (6) as it exists in the current rule 4 CSR 240-31.010 offers a definition of essential local telecommunications services that lists eight (8) services as essential services. The amendment as published in the *Missouri Register* replaces those eight (8) listed essential services with a reference declaring that essential local telecommunications services is synonymous with "voice telephony service" as defined in section (18) of this rule. The definition of "voice telephony service", which is also a new provision in the amended rule, matches the definition used by the FCC for federal purposes.

Public Counsel is concerned that the changed definition would eliminate access to basic local operator services, access to basic local directory assistance, equal access to interexchange carriers and, for landline service, one (1) standard white pages directory listing, as essential local telecommunications services.

Public Counsel contends the commission has a statutory obligation to preserve and advance universal service in Missouri. Public

Counsel believes the proponents of eliminating access to essential local services from the definition for purposes of eligibility for MoUSF funding should be required to demonstrate that elimination of the services is consistent with Missouri's universal service goals instead of simply eliminating them in pursuit of uniformity or convenience for telecommunications providers.

Staff explains that the changed definition would alter the services an ETC must provide in order to draw support from the MoUSF. The amendment as published in the *Missouri Register* would incorporate the standards for essential telecommunications services as established by the FCC. Staff believes it is important to match the federal definition so as not to put basic local telecommunications providers at a competitive disadvantage against wireless service providers who are subject only to the federal definition. Furthermore, the existing definition is outdated and uses terminology solely applicable to traditional landline carriers.

Staff further explains that changing the definition would not necessarily mean that providers would stop providing the services about which Public Counsel is concerned. Other provisions in the commission's rules require existing and new ETCs to keep the commission informed about whether they provide those services, which will allow the commission to monitor the continued provision of those services.

**RESPONSE:** The commission agrees with staff that it is important to keep its definitions consistent with federal definitions when it is appropriate to do so. The commission will not change the definition of essential local telecommunications services beyond the amendment as published in the *Missouri Register*.

**COMMENT #9:** Staff asks the commission to further revise the definition of Federal Universal Service Fund, found in section (8) of 4 CSR 240-31.010. Staff explains that the proposed definition as published in the *Missouri Register* fails to reference the high-cost program. Staff would add such a reference to the definition. AT&T Missouri agrees the definition should be changed to reference the Lifeline program and proposes slightly different language that specifically refers to the administration of the program by the FCC. The STCG also proposes a revised definition that incorporates a reference to the high-cost program. Staff supports its proposed definition rather than that proposed by AT&T because the reference to administration by the FCC would ignore this commission's role in administering the fund.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with staff that AT&T Missouri's proposed definition would ignore the commission's role in administering the fund. The definition proposed by STCG is less succinct than that proposed by staff. The commission will adopt staff's revised language for the definition of Federal Universal Service Fund.

**COMMENT #10:** AT&T Missouri suggests a change in the definition of "Lifeline Service" found in section (13) of this rule. It contends the proposed definition does not adequately convey all the elements of the service and proposes that the commission's rule instead simply reference the section of the federal rule that defines "Lifeline Service." If that is done, the commission's definition would always track the federal definition if it is later changed. In the alternative, AT&T Missouri would include the wording of the federal rule as the definition for the commission's rule, recognizing that the commission rule might then have to be changed if the FCC later revises its rule. Staff did not respond to AT&T Missouri's suggestion.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission accepts and will incorporate the language proposed by AT&T Missouri.

**COMMENT #11:** STCG proposes a change to the definition of MoUSF found in section (14) of this rule as published in the *Missouri Register*. The amendment as published would remove a reference to the high-cost program since no such program has ever been imple-

mented as part of the MoUSF. STCG asks that the high-cost program remain in the definition in case the commission later decides to implement such a program. Staff replies that it wants to rescind the substantive provisions of the rule that relate to the "high-cost" program because no such program currently exists and if such a program were to be implemented the existing regulations are obsolete and would need to be replaced. However, staff indicated it does not object to STCG's proposal to retain "high-cost" in the definitional type sections of the regulations while deleting the obsolete substantive regulations that would govern a high-cost program if one (1) is ever implemented.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission will retain the reference to the "high-cost" program in the definition.

**COMMENT #12:** MCTA and AT&T recommend a modification of the definition of "net jurisdictional revenue" in section (17) of this rule. Both are concerned about the definition of wholesale revenue which all agree is to be excluded from the definition of net jurisdictional revenue. AT&T proposes language that would clarify the first part of the definition enough to eliminate the need to define wholesale revenue in the second part of the definition. Staff did not respond to the suggestions of either MCTA or AT&T.

**RESPONSE AND EXPLANATION OF CHANGE:** The language proposed by AT&T is simpler while still effectively defining net jurisdictional revenue. The commission will adopt that language.

**COMMENT #13:** MCTA points out that newly proposed section (18) of this rule refers to the term "toll limitation" service, but does not define that term. MCTA also advises the commission to not delete the definitions of "toll blocking" and "toll control" from the current regulation. MCTA recommends the commission adopt a definition of toll limitation that is consistent with the definition established by the FCC. Staff agrees with MCTA's suggestions.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission accepts MCTA's suggestion. The definition of "toll blocking" and "toll control" will not be removed from the rule. However, they will be renumbered as sections (18) and (19). The commission will also adopt the definition of "toll limitation service" proposed by MCTA and will number it as section (20). That also means the definition of "voice telephony service" will be renumbered as section (21) and the definition of "wireless service" will be renumbered as section (22) of 4 CSR 240-31.010.

#### 4 CSR 240-31.010 Definitions

(5) Eligible telecommunications carrier (ETC)—Is a carrier designated as such by the Missouri Public Service Commission pursuant to 47 U.S.C 214(e) and 47 CFR Part 54 Subpart C. ETC designation allows a carrier to receive FUSF support from the high-cost and/or Lifeline programs and Missouri-approved telecommunications carriers to receive MoUSF support from the high-cost, Lifeline, or Disabled programs.

(8) Federal Universal Service Fund (FUSF)—The federal fund that provides funding to companies for the high-cost program and the Lifeline program.

(13) Lifeline Service—Means a non-transferable retail service offering for which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount described in 47 CFR 54.403; and that provides qualifying low-income consumers with voice telephony service as specified in 47 CFR 54.101(a). Toll limitation service does not distinguish between toll and non-toll calls in the pricing of the service. If an eligible telecommunications carrier charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers' Lifeline

service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering.

(14) MoUSF—Refers to the Missouri Universal Service Fund, which was established by section 392.248, RSMo 2000 to be used for the following purposes:

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state, including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services; and

(C) To pay the reasonable, audited costs of administering the MoUSF.

(17) Net jurisdictional revenue—Net jurisdictional revenue means all retail revenues received from end-user customers resulting from the provision of intrastate regulated and IVoIP services, but shall not include revenue from payphone operations, taxes, and uncollectibles.

(18) Toll blocking—Toll blocking is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

(19) Toll control—Toll control is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

(20) Toll limitation—“Toll limitation service” denotes either toll blocking service or toll control service for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, “toll limitation” service denotes both toll blocking service and toll control service.

(21) Voice telephony service—Refers to voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier’s service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying Lifeline consumers. Toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.

(22) Wireless service—Refers to commercial mobile radio service as identified in 47 CFR Parts 20 and 24.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 240—Public Service Commission Chapter 31—Universal Service**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1463-1464). Those sections with changes have been reprinted here. This proposed amendment becomes effective

thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission’s staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
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3. Clarify and codify existing MoUSF Board responsibilities and procedures;
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Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

**RESPONSE:** The commission thanks its staff for its general comments. The commission will address staff’s comments about specific

rule provisions in the appropriate rulemaking.

**COMMENT #2:** The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #3:** AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

**RESPONSE:** The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #4:** CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #5:** Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

**RESPONSE:** The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #6:** STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

**RESPONSE:** The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #7:** Public Counsel reminds the commission that it has

a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

**RESPONSE:** The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

**COMMENT #8:** Sections (5) and (6) of this rule would require the board to follow procedures established by the Office of Administration in completing a competitive bid process in obtaining certain services. Public Counsel is concerned that the board may not always be required to follow the procedures established by the Office of Administration and should not reduce its flexibility by establishing a rule requiring such procedures. The commission's staff responded to Public Counsel's concerns by indicating the mandatory "shall" should be changed to a permissive "may" to preserve the board's flexibility in obtaining needed services.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission will modify sections (5) and (6) of this rule in the manner suggested by Public Counsel and staff.

**COMMENT #9:** New section (9) of this rule, as published in the *Missouri Register*, allows the Missouri Universal Service Board to establish a form for ETCs to use to enroll end-users in the Lifeline or Disabled programs. The regulation also requires all ETCs to use the form established by the board.

Staff believes that the second part of that section more appropriately fits in a subsequent rule, 4 CSR 240-31.120, and proposes to move it there. No commenter objected to moving that language.

Several commenters argue that the board should not require the ETCs to use the form it establishes. AT&T Missouri contends that rather than mandate use of a specific form, the board should allow ETCs to design their own forms that comply with FCC rules relating to such forms. That would allow companies that operate in multiple states to use a single form for each state and for state and federal purposes. CenturyLink and the STCG echo AT&T Missouri's contention that the rule should allow ETCs the flexibility to design and use their own forms, so long as those forms comply with FCC requirements. CenturyLink also offers suggestions on revisions to the current generic form.

Public Counsel supports the requirement to use a mandated form, contending that having a single form would be more efficient and would allow social service agencies and customers to become more familiar with the forms needed to obtain the service.

Finally, there is an error in the section. The word "center" should be replaced with "carrier" in referring to an ETC.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission will delete those portions of the definition that staff proposed to move to 4 CSR 240-31.120, as that portion of the rule is no longer needed because the commission is not mandating the use of a standard form. The commission will replace "center" with "carrier."

The commission agrees with the commenters, it is appropriate to allow ETCs the flexibility to design and use forms of their own choosing, so long as those forms comply with FCC and commission requirements. The commission will adopt the alternative language slightly modified from that proposed by AT&T Missouri.

#### **4 CSR 240-31.020 Organization, Powers, and Meetings of the Board**



(5) The board shall adopt procedures, including a competitive bid process, to retain an independent neutral MoUSFA, who shall be responsible for the day-to-day operations of the MoUSF. Rather than adopt its own procedures, the board may follow the procedures established by the Office of Administration in completing a competitive bid process. The board shall also adopt procedures to provide, among other things, for the periodic review of the MoUSFA and the opportunity to re-bid the contract for the MoUSFA no less frequently than every five (5) years. The board may establish other procedures as needed to facilitate the orderly administration of the MoUSF.

(6) The board may establish procedures, or may follow the procedures established by the Office of Administration, in completing a competitive bid process to retain the services of an accounting firm to audit the MoUSF on an annual basis, to complete the board's state and federal tax filings, and to perform other accounting duties it may require. The board may choose more than one (1) such firm to perform the duties under the contract, assigning different tasks to each accounting firm. The board shall also adopt procedures to periodically review the work of the accounting firm(s) and to re-bid the contract(s) no less frequently than every five (5) years.

(9) The board may establish a form for Eligible Telecommunications Carriers (ETCs) to use to enroll end-users in the Lifeline or Disabled programs and shall post a generic acceptable form on its website. All ETCs shall use the form established by the board or a form that complies with 47 CFR 54.410(d), and commission requirements as described in 4 CSR 240-31.120(5).

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-31.030 The MoUSFA is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1464-1465). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, repre-

sending CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

**RESPONSE:** The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #2:** The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #3:** AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts



in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: The commission's staff indicated the proposed amendment of this rule merely makes minor revisions and codifies existing practices. No other commenter addresses the particulars of this rule.

RESPONSE: The commission will not make any changes in the amendment as published in the *Missouri Register*.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 240—Public Service Commission Chapter 31—Universal Service

#### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 392.470, RSMo 2000, the commission withdraws a proposed rescission as follows:

#### 4 CSR 240-31.040 Eligibility for Funding—High Cost Areas is withdrawn.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1465). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost

program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions

in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that this rule establishes specific procedures for determining eligibility for an ETC to receive high-cost funding from the Missouri Universal Service Fund (MoUSF). The MoUSF has never provided high-cost funding and has no plans to do so in the immediate future. Staff also indicates the requirements of this rule are badly outdated and would have to be entirely rewritten if the MoUSF were to decide to provide high-cost funding in the future. Therefore, staff advises the commission to rescind this rule.

CenturyTel and STCG ask the commission to leave open the possibility of providing high-cost funding in the future. STCG acknowledges that these particular rules are out of date and suggests the commission keep references to high-cost funding in 4 CSR 240-31.010, while rescinding this particular rule that is no longer useful. CenturyTel agrees that the particular rule will need to be revised, but suggests that the existing rule remain in place while that review is undertaken.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with CenturyTel. The commission will open a working case to consider whether high-cost funding from the MoUSF should be established. This rule should remain in place while that working case proceeds. For that reason, the commission will withdraw its proposed rescission of this rule.

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 240—Public Service Commission Chapter 31—Universal Service**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 392.210, 392.248, 392.451, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

**4 CSR 240-31.050 Eligibility for Funding—Low-Income Customers and Disabled Customers is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1465–1466). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recent-

ly been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

**RESPONSE:** The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #2:** The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #3:** AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

**RESPONSE:** The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #4:** CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #5:** Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

**RESPONSE:** The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #6:** STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it

asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that the provisions of this rule have been updated and consolidated in 4 CSR 240-31.120. As a result, this rule is no longer needed and can be rescinded. No other commenter addressed the rescission of this rule.

RESPONSE: The commission will proceed with the rescission.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1466-1467). Those sections with changes have been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff

of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

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Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for

increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Subsection (3)(A) as published in the *Missouri Register* requires "certificated" telecommunication companies to certify their revenue for purposes of determining the amount of their MoUSF assessment. AT&T Missouri suggests the word "certificated" be removed from that requirement because AT&T Missouri operates under a state charter rather than a certificate and should not be

excluded from paying a MoUSF assessment.

RESPONSE AND EXPLANATION OF CHANGE: The commission will remove the word "certificated" from subsection (3)(A).

COMMENT #9: Subsection (4)(A) as published in the *Missouri Register* requires carriers subject to a MoUSF assessment to place a surcharge on their customer's bill to collect that surcharge. Staff proposes to add a sentence to that subsection to allow a company with *de minimis* revenues to begin assessing the surcharge sixty (60) days after it meets a twenty-four thousand dollar (\$24,000) net jurisdictional threshold. No other commenter addressed staff's proposed change.

MCTA comments that both subsection (4)(A) and (4)(D) require a carrier to recover its MoUSF assessment from its customers by collecting a surcharge. MCTA contends the carriers should be allowed the discretion to recover its assessment by some other means if it chooses to do so. Staff replied to MCTA's suggestion indicating that it does not object to making recovery through a surcharge optional. However, staff does object to the language proposed by MCTA that would allow the carrier to recover the assessment through a line item identified only as a "state regulatory fee or charge." Staff is concerned that an inexact description in the customer's bill can be used to obscure the source of other charges imposed on the customer.

RESPONSE AND EXPLANATION OF CHANGE: The commission will add the sentence about *de minimis* revenues proposed by staff. MCTA's proposal to make collection of the MoUSF assessment by a surcharge optional will allow these competitive companies the flexibility to collect that assessment from their customers in whatever way they choose. That is reasonable and the commission will make that change. However, staff's concerns about proper description of the surcharge is also important. The commission will modify the language proposed by MCTA to ensure that the surcharge is properly described.

COMMENT #10: MCTA suggests that subsection (5)(B) be modified to retain the language in the current rule that allows for quarterly remittances to the fund administrator as an option to monthly remittances. MCTA also proposes grammatical changes in paragraphs (5)(A)1. and 2.

RESPONSE AND EXPLANATION OF CHANGE: The grammatical changes suggested by MCTA are appropriate and will be adopted. However, the concern about quarterly remittances is puzzling. The current rule and the amendment as published in the *Missouri Register* already allow for quarterly remittances. Further, the language proposed by MCTA is exactly the same as the amended language published in the *Missouri Register*. As a result, no other change in the published amendment is necessary.

#### 4 CSR 240-31.060 The MoUSF Assessment

##### (3) Assessment Level.

(A) In February each year, the MoUSFA shall issue a form on which each registered IVoIP provider and telecommunications company shall certify the company's Missouri net jurisdictional revenues for the prior calendar year.

(4) Collection of MoUSF Assessment from Customers. If an assessable carrier chooses to recover its MoUSF assessment through a line item on a retail end-user customers' bill, then—

(A) The surcharge shall equal the percentage assessment ordered by the commission;

(B) The surcharge shall be detailed as Missouri Universal Service Fund;

(C) The surcharge percentage shall be applied to each customer's total charges associated with the carrier's net jurisdictional revenues; and

(D) A company with *de minimis* revenues may begin assessing the surcharge within sixty (60) days of meeting the twenty-four thousand

dollar (\$24,000) net jurisdictional revenue threshold.

(5) Remitting MoUSF Assessments.

(A) All assessable carriers shall remit in either of the following methods:

1. A carrier may remit all funds received as a result of the application of the surcharge as provided in (4) above, in full satisfaction of the carrier's annual percentage assessment; or

2. A carrier may remit an amount based solely on applying the percentage assessment to the carrier's Missouri net jurisdictional revenue. If this method is used, no refunds shall be given if a carrier subsequently finds it remitted more than it collected.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 392.200, 392.248, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

**4 CSR 240-31.065** Collection of MoUSF Surcharge from End-User Subscribers is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1467-1468). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embark Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

**RESPONSE:** The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #2:** The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #3:** AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

**RESPONSE:** The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #4:** CenturyLink generally urges the commission to

retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #5:** Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

**RESPONSE:** The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #6:** STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

**RESPONSE:** The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #7:** Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

**RESPONSE:** The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

**COMMENT #8:** Staff explains that the provisions of this rule have been updated and consolidated in 4 CSR 240-31.060. As a result, this rule is no longer needed and can be rescinded. No other commenter addressed the rescission of this rule.

**RESPONSE:** The commission will proceed with the rescission.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 31—Universal Service**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 392.200, 392.248, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

**4 CSR 240-31.070** Receipt of MoUSF Funds is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1468). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embark Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose



additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that the provisions of this rule have been updated and consolidated in 4 CSR 240-31.060. As a result, this rule is no longer needed and can be rescinded. No other commenter addressed the rescission of this rule.

RESPONSE: The commission will proceed with the rescission.

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 240—Public Service Commission Chapter 31—Universal Service**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 392.200, 392.248, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

#### **4 CSR 240-31.080 Applications for MoUSF Funds is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1468). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.



The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

**RESPONSE:** The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #2:** The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #3:** AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns

against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

**RESPONSE:** The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #4:** CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #5:** Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

**RESPONSE:** The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #6:** STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

**RESPONSE:** The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #7:** Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

**RESPONSE:** The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

**COMMENT #8:** Staff explains that some of the provisions of this rule have been updated and consolidated into other rules. Other provisions are outdated and no longer needed. As a result, this rule can be rescinded. No other commenter addressed the rescission of this rule.

**RESPONSE:** The commission will proceed with the rescission.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1468-1469). Those sections with changes have been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embark Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wire-less companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of dis-

counted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

**RESPONSE:** The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #2:** The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #3:** AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

**RESPONSE:** The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #4:** CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #5:** Cricket is primarily concerned about the use of

electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rule-making.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rule-making.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff and STCG point to an error in section (1). In referring to ETCs, the word "Center" should be replaced with "Carriers."

RESPONSE AND EXPLANATION OF CHANGE: Staff and STCG are correct and the commission will replace "Center" with "Carriers."

COMMENT #9: The proposed amendment as published in the *Missouri Register* would delete section (4) of the existing rule, which indicates any interested entity that objects to a disbursement by the fund administrator may seek review of that disbursement by the board or the commission pursuant to 4 CSR 240-31.110. The MCTA asks the commission to leave that section in the rule to assure that interested entities may continue to object to and seek review of MoUSF disbursements.

RESPONSE: MCTA's concern is not warranted and section (4) of the existing rule is not needed. 4 CSR 240-31.110 continues to allow the board and the commission to review any action taken or decision issued by the fund administrator, now referred to as the MoUSFA. That regulation allows interested entities to object to and seek review of disbursements just as before. Section (4) of the existing 4 CSR 240-31.090 was merely an unnecessary reference to the other regulation and should be deleted.

#### 4 CSR 240-31.090 Disbursements of MoUSF Funds

(1) Only Eligible Telecommunications Carriers (ETCs) certificated as a telecommunications company or registered as an Interconnected Voice over Internet Protocol (VoIP) provider are eligible to seek disbursements from the Missouri Universal Service Fund (MoUSF) by completing an Application for Support Eligibility form available on the MoUSF web site. A completed form must be submitted in a timely manner to the Missouri Universal Service Fund Administrator (MoUSFA). Failure to apply for support within three (3) months of provisioning service to the Lifeline or Disabled customer(s) shall

limit support to the amount requested or three hundred fifty dollars (\$350), whichever is less.

### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

#### Division 240—Public Service Commission Chapter 31—Universal Service

### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 392.200, 392.248, and 392.470, RSMo 2000, the commission withdraws a proposed rescission as follows:

#### 4 CSR 240-31.100 Review Procedures for Support Payments is withdrawn.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1469). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of

voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions

in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that this rule should be rescinded because it is solely related to requirements associated with a high-cost fund that has not been implemented. No other commenter addressed the rescission of this particular rule. However, the STCG and CenturyLink suggested in general terms that the commission should leave open the possibility of establishing a high-cost fund in the future.

RESPONSE AND EXPLANATION OF CHANGE: The commission will open a working case to consider whether high-cost funding from the MoUSF should be established. This rule should remain in place while that working case proceeds. For that reason, the commission will withdraw its proposed rescission of this rule.

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 240—Public Service Commission Chapter 31—Universal Service**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

#### **4 CSR 240-31.110 Review of Board and MoUSFA Activities is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1469–1470). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embark Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

**RESPONSE:** The commission thanks its staff for its general com-

ments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #2:** The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #3:** AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

**RESPONSE:** The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #4:** CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #5:** Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

**RESPONSE:** The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #6:** STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

**RESPONSE:** The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that the proposed amendment published in the *Missouri Register* makes only minor revisions to the existing rule regarding review of board and MoUSFA activities. No other commenter addressed this proposed amendment.

RESPONSE: The commission thanks staff for its comments and will make no changes to the proposed amendment.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 240—Public Service Commission Chapter 31—Universal Service**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-31.120 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1470-1472). Those sections with changes have been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rule on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embark Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests

of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #4:** CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

**RESPONSE:** The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

**COMMENT #5:** Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

**RESPONSE:** The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #6:** STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

**RESPONSE:** The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

**COMMENT #7:** Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

**RESPONSE:** The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

**COMMENT #8:** Staff explains that subparagraph (1)(C)1.F., as published in the *Missouri Register*, lists participation in the Federal Supplemental Security Income program as an eligibility criterion for participation in the Disabled program. Participation in the Federal Supplemental Security Income program also qualifies for participation in the Lifeline program under subsection (1)(A) of this rule. Because participation in the Lifeline program always results in a greater discount than is available through participation in the Disabled program, staff suggests that the Federal Supplemental Security Income program be removed as a criteria for participation in the Disabled program to ensure that all enrollees who qualify under that criteria are enrolled under the Lifeline program rather than the Disabled program.

**RESPONSE AND EXPLANATION OF CHANGE:** The commis-

sion agrees with staff and will make the proposed change.

**COMMENT #9:** CenturyTel suggests that section (1)'s eligibility criteria for the Lifeline program should be explicitly linked to the eligibility criteria for the federal counterparts to those programs as established by the FCC. Doing so would avoid confusion or inconsistency if federal requirements were to change in the future.

**RESPONSE:** The eligibility criteria for the Lifeline program under the MoUSF already match the criteria established by federal regulations, although they are listed in a different order in the commission's proposed regulation. In addition, paragraph (1)(A)9. of the proposed regulation is a catch-all provision that would incorporate any additional criteria included in future federal regulations. As a result, there is no need to change the rule in the manner proposed by CenturyTel.

**COMMENT #10:** The STCG notes that the definition of the Lifeline program in paragraph (1)(B)2. differs from the definition of the Disabled program in paragraph (1)(C)2. in that the Lifeline regulation limits eligibility to "certificated" telecommunications companies, while the Disabled program simply refers to telecommunications companies without the "certificated" limitation. The STCG suggests "certificated" be added to the criteria for the Disabled program.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees the two (2) sections should be in harmony. However, AT&T Missouri explained in an unrelated comment that it is not a "certificated" telecommunications company. Instead it operates under a state charter that excuses it from having to obtain a certificate. Therefore, the word "certificated" will be removed from paragraph (1)(B)2. and replaced with the word "operating."

**COMMENT #11:** AT&T Missouri and CenturyLink note that subsection (2)(C) requires an ETC to annually recertify a subscriber's eligibility for participation in the Lifeline program. They are concerned that the commission's regulation requires the ETC to "submit proof of eligibility" at least once every two (2) years unless the ETC has an automated means of verifying subscriber eligibility or its annual recertification process is administered by the federal universal service fund administrator.

AT&T Missouri and CenturyLink explain that the federal regulations established by the FCC do not require the submission of "proof of eligibility" and instead allow a subscriber to self-certify continued eligibility under circumstances described in the federal regulation. They argue there is no reason to impose additional, state-specific regulations where there has been no suggestion that the FCC's measures are insufficient.

**RESPONSE:** The commission believes that the submission of "proof of eligibility" at least once every two (2) years is a reasonable and necessary requirement to protect the integrity of the MoUSF Lifeline program. The commission will not make the change proposed by AT&T Missouri and CenturyLink.

**COMMENT #12:** AT&T Missouri is concerned about subsection (2)(D), which requires annual recertification of eligibility under the Disabled program. The rule as proposed would require the ETC to apply the same procedure identified in subsection (2)(C) to Disabled program participants. AT&T would change that provision to simply require the ETC to obtain a signed certification from all Disabled program participants. Staff agrees that there is no need to ask a Disabled participant to submit proof of eligibility every two (2) years because there is no database to verify a disabled consumer's continued eligibility and FUSFA will not recertify disabled program participants. Staff proposes subsection (2)(D) be modified to recognize those limitations.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission will accept the language proposed by staff. That language is less burdensome than the language proposed by AT&T Missouri.



COMMENT #13: Subsection (3)(A), requires applicants to complete an application form approved by the board. AT&T Missouri contends the rule should allow ETCs to use their own forms so long as those forms comply with FCC established requirements. This is the same argument AT&T Missouri and other commenters made with regard to the proposed amendment of 4 CSR 240-31.020(9).

RESPONSE AND EXPLANATION OF CHANGE: The commission generally agrees with AT&T Missouri. It is appropriate to allow ETCs the flexibility to design and use forms of their own choosing so long as those forms comply with FCC and commission requirements. The commission will slightly modify the alternative language proposed by AT&T Missouri to recognize the commission's role regarding the forms.

COMMENT #14: AT&T Missouri contends subsection (3)(C) should be deleted from the rule. That subsection would require the carrier to deny or discontinue a subscriber's participation in the Lifeline or Disabled program if it is discovered that the subscriber has submitted incorrect, false, or fraudulent information to the carrier. AT&T Missouri believes this section is vague and overbroad in that a subscriber might inadvertently submit incorrect or false information that could be easily corrected and should not be denied participation on that basis. AT&T also contends the section is unnecessary because eligibility requirements and de-enrollment procedures are already established in other provisions of the regulations.

RESPONSE AND EXPLANATION OF CHANGE: The commission disagrees with AT&T Missouri. This subsection is necessary to send a strong message that the submission of fraudulent information when applying for participation in the Lifeline and Disabled programs will not be tolerated. This subsection does not require the carrier to affirmatively investigate fraud, it just requires the carrier to take action when fraud comes to its attention. The commission will not delete subsection (3)(C), but will modify the language to make it clear that subscribers are to be denied participation in the program only for providing fraudulent, not just incorrect or false, information to the carrier.

COMMENT #15: Section (4) establishes de-enrollment procedures for various situations. Staff explains that the procedures established in the section are intended to track the de-enrollment language established by FCC rule. Rather than have a separate state rule that repeats the requirements of the federal rule, staff asks that all of section (4) be deleted and a new subsection (2)(G) be added to the rule to reference and require compliance with the federal rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission will make the change proposed by staff. Section (4) as published in the *Missouri Register* will be deleted. Section (5) as published in the *Missouri Register* will be renumbered as section (4).

COMMENT #16: Staff proposes a new section (5) to establish requirements for the application forms to be used to collect Lifeline and Disabled program applications. Staff also proposes to move language from the proposed 4 CSR 240-31.020(9) into this new section. Staff asks that the commission require the use of a standard board-approved form, but if the commission chooses to allow carriers the discretion to use their own forms, staff offers alternative language for this section.

RESPONSE AND EXPLANATION OF CHANGE: The commission generally agrees with AT&T Missouri. It is appropriate to allow ETCs the flexibility to design and use forms of their own choosing so long as those forms comply with FCC and commission requirements. Staff proposed alternative language that allows ETCs the flexibility to design their own appropriate form. The commission will adopt the alternative language proposed by staff.

COMMENT #17: At the hearing, Bill Steinmeier, representing Cricket, challenged the sentence in paragraph (5)(C)6. of the language proposed by staff. That sentence attempts to preclude review

of the board decisions about company-specific forms. Mr. Steinmeier contends such a preclusion of the possibility of review would be a denial of due process and would therefore be unconstitutional.

RESPONSE AND EXPLANATION OF CHANGE: Mr. Steinmeier is correct; the board cannot preclude review of its decisions. The commission will not include what staff proposed as paragraph (5)(C)6. in the rule.

COMMENT #18: Cricket proposes a new section that would allow an ETC to use an electronic version of whatever application form the commission chooses to allow. Cricket explains the advantages of using an electronic form and staff agrees that such forms should be allowed.

RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the language proposed by Cricket relating to the use of electronic forms.

#### 4 CSR 240-31.120 Lifeline Program and Disabled Program

##### (1) Lifeline and Disabled Programs Described.

(B) The Lifeline program is funded by the FUSF and the MoUSF. An ETC participating in the Lifeline program shall comply with this rule even if it solely receives only federal support.

1. The FUSF Lifeline funding is specified in 47 CFR 54.403. This funding is available to all designated ETCs.

2. The MoUSF Lifeline funding is three dollars and fifty cents (\$3.50) per month per Lifeline subscriber for ETCs operating as a telecommunications company or registered as an IVoIP provider.

3. MoUSF Lifeline funding when combined with FUSF Lifeline funding shall not exceed the sum of an ETC's local voice telephony service monthly rate and subscriber line charge.

(C) The Disabled program is a residential retail service that offers a qualifying disabled customer reduced charges for voice telephony service. The Disabled program is solely administered by the board through these rules and is solely funded by the MoUSF.

1. The Disabled program eligibility criteria includes participation in—

- A. Veteran Administration Disability Benefits;
- B. State Blind Pension;
- C. State Aid to Blind Persons;
- D. State Supplemental Disability Assistance;
- E. Federal Social Security Disability.

2. The MoUSF provides three dollars and fifty cents (\$3.50) per month per disabled subscriber; however, MoUSF support is limited to telecommunications companies and interconnected VoIP providers. MoUSF support is not available to wireless carriers.

##### (2) Carrier Participation Requirements in the Lifeline and Disabled Programs.

(D) An ETC shall annually conduct an inquiry for any household participating in the Disabled program if the qualifying Disabled customer is not listed as the voice telephony subscriber. The inquiry shall be limited to whether the qualifying Disabled customer remains within the household.

(G) An ETC shall comply with de-enrollment requirements identified in 47 CFR Section 54.405 for the Lifeline program and Disabled program.

##### (3) Consumer Eligibility for the Lifeline and Disabled Programs.

(A) All consumers shall complete an application form which complies with 47 CFR 54.410 and with commission requirements as described in 4 CSR 240-31.120(5), and shall submit adequate proof of eligibility. An application shall be required even if a carrier only seeks federal Lifeline support.

(C) A subscriber's participation in the Lifeline or Disabled programs shall be denied or discontinued if it is discovered the subscriber has submitted fraudulent information to the carrier.



(4) Requirements for a Company offering Lifeline or Disabled Service on a resale basis without ETC status.

(A) Any company offering Lifeline and/or Disabled service solely on a resale basis and without ETC status shall comply with all requirements identified in this chapter and 47 CFR Part 54 Subpart E.

(B) The company shall provide the following information to the manager of the commission's Telecommunications Unit:

1. Certification via affidavit by an officer of the company that the company will comply with all requirements associated with the Lifeline or Disabled programs within 4 CSR 240-31 and 47 CFR Part 54 Subpart E as if the company has ETC designation.

2. Contact information including address, email, and direct phone number for the primary individual employed by the company for ensuring compliance with 4 CSR 240-31 and 47 CFR Part 54 Subpart E.

3. A copy of the consumer application enrollment form the company intends to use to sign-up customers to the Lifeline and/or Disabled programs.

4. Full and complete responses to information identified in 4 CSR 240-31.130(1)(B)1., 2., 4., 7., 8., 11. and 12.; (C) and (D).

(C) Companies intending to offer Lifeline and/or Disabled service solely on a resale basis and without ETC status shall provide the information in subsection (B) at least thirty (30) days in advance of offering such services. Any company already offering such services on the effective date of this rule must provide such information within thirty (30) days of the effective date of this rule.

(D) The company shall annually submit, no later than July 1 of each year, all information required in 4 CSR 240-31.130(3)(A) in the commission's Electronic Filing and Information System.

(5) Requirements for Lifeline and Disabled Application Forms.

(A) The board will provide sample Lifeline and Disabled application forms (sample forms) to be placed on the commission's website and the MoUSFA website.

(B) ETCs may use the sample forms or may use their own company-specific Lifeline and Disabled application form (company-specific form).

(C) If a company uses a company-specific form, the following requirements shall apply:

1. The company-specific form shall comply with all requirements of 47 CFR 54.410(d) and this rule.

2. The company-specific form shall comport with any FCC-approved compliance plan applicable to that company.

3. The company-specific form shall clearly delineate all customer obligations and provisions and all acknowledgements that must be provided subject to penalty of law.

A. Customer obligations, provisions, and acknowledgements shall be in a font that is at least as large as the font used in the majority of the company-specific form.

B. Customer obligations, provisions, and acknowledgements shall receive no less emphasis of importance than is provided for the majority of the language in the company-specific form.

4. The ETC shall provide a method, whether on the form or in another format, to allow commission staff, upon request, to easily verify that the customer is providing, and the ETC is reviewing appropriate documentation of customer eligibility.

5. Neither the commission, nor the board, shall be considered as endorsing or approving the company-specific form.

6. Nothing in this section shall preclude the staff or the Office of the Public Counsel from filing a complaint related to the Lifeline and Disabled application form used by any ETC.

(6) Electronic Lifeline and Disabled Application Forms.

(A) ETCs may use an electronic Lifeline and/or Disabled application form.

(B) If a company uses an electronic form, the following requirements shall apply:

1. The electronic form shall comply with all requirements of 47 CFR 54.410(d) and this rule.

2. The electronic form shall comport with any FCC-approved compliance plan applicable to that company.

3. The electronic form shall clearly delineate all customer obligations and provisions and all acknowledgements that must be provided subject to penalty of law.

A. Customer obligations, provisions, and acknowledgements shall be in a font that is at least as large as the font used in the majority of the form.

B. Customer obligations, provisions, and acknowledgements shall receive no less emphasis of importance than is provided for the majority of the language in the form.

4. An ETC using an electronic form shall, upon request, provide to staff, or the Office of the Public Counsel, a print-out, or a demonstration, of its electronic customer application form.

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 240—Public Service Commission**

#### **Chapter 31—Universal Service**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-31.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1472-1476). Those sections with changes have been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rule on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

**COMMENT #1:** The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and

Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wire-less companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Paragraph (1)(B)4. requires an ETC to certify that it will advertise the availability of its supported service and its price. It also requires the ETC to explain how it intends to advertise and specifically requires the ETC to explain how it will target direct mailings to eligible customers. AT&T Missouri is concerned that while the proposed rule is intended to track the corresponding FCC rule, it varies slightly from that rule. AT&T Missouri proposes alternative language that more closely corresponds to the FCC's rule and also proposes to delete a sentence dealing with direct mail advertising.

RESPONSE AND EXPLANATION OF CHANGE: The additional language AT&T Missouri proposes is helpful in making the commission's rule more closely track the FCC's rule. However, the commission's rule was intended to go beyond the FCC's rule to require an explanation from the ETC about how it will target its direct mailing to customers who are likely to qualify. That is important to avoid sending such direct mail campaigns to customers who are unlikely to qualify for the programs. The commission will incorporate AT&T Missouri's additional language, without deleting the sentence in the rule regarding direct mail advertising.

COMMENT #9: Paragraph (1)(B)5. requires the ETC to certify that it will comply with the applicable service requirements in 47 CFR 54.201(d)(2). AT&T Missouri contends the correct reference to the federal regulation should be to subsection (d)(1), which deals with service requirements, not subsection (d)(2), which deals with advertising of the available services. Staff suggests that to avoid confusion, the reference be broadened to section 201.

RESPONSE AND EXPLANATION OF CHANGE: The commission thanks AT&T Missouri for pointing out the incorrect reference. The commission will incorporate staff's suggestion and broaden the reference to section 201.

COMMENT #10: Paragraph (1)(B)11. requires an ETC to commit to maintain a record of customer complaints and to make those complaint records available to the commission's staff upon request. AT&T Missouri complains that this requirement would be very broad and burdensome because it would require the ETC to keep every single complaint and submit information to the state that is not required by the FCC. AT&T Missouri contends the information about complaints required by the FCC is shared with the commission and is sufficient. For that reason, AT&T Missouri asks the commission to delete this paragraph.

RESPONSE AND EXPLANATION OF CHANGE: The commission understands AT&T Missouri's concerns and does not wish to unduly burden ETCs that operate in more than one (1) state by imposing unnecessary Missouri specific requirements that go beyond the similar requirements imposed by the FCC. The commission will delete this paragraph and will renumber subsequent paragraphs accordingly.

COMMENT #11: Paragraph (1)(B)14. requires an ETC to describe, how, if at all, it will provide access to directory assistance, operator, and interexchange service. AT&T Missouri asks the commission to delete this paragraph because the FCC and this commission no longer require ETCs to offer those three (3) services to qualify for ETC status.

RESPONSE: Even though ETCs are no longer required to offer these services, they still may choose to do so. The regulation does not require the ETCs to offer these services, it just requires them to describe how they will do so if they decide to offer them. It is reasonable for the rule to require that information and the commission will not delete the paragraph.

COMMENT #12: Subsection (1)(C) requires an applicant for ETC status to disclose extensive information about disciplinary actions taken or pending against the applicant and affiliated companies and individuals. AT&T Missouri complains that these requirements go far beyond the requirements of the FCC's regulations and argues that applicants for ETC status should not be subjected to such broad and free-ranging information collection and reporting requirements in the absence of some cause for concern. AT&T Missouri suggests that if the commission has reason to be concerned about some particular applicant it can investigate more thoroughly through the use of data requests or other discovery tools.

RESPONSE: The commission seeks the information that this subsection requires to be disclosed because experience has shown that it is possible for a company that has run into trouble in other jurisdictions to create a new corporate shell and move onto the next state in line while continuing to abuse the universal service programs. Unless the commission's staff is made aware of a company's history, it cannot hope to protect the Missouri programs against those companies and individuals who have shown a willingness to abuse the programs. The commission will not delete subsection (1)(C).

COMMENT #13: Paragraph (1)(D)7. requires carriers applying for ETC status to commit to use only a commission-approved application form. AT&T Missouri argues ETCs should be allowed the flexibility to use forms of their own design so long as those forms comply with

requirements established by the FCC. Staff believes that a board-approved form is preferable, but offers alternative language if the commission decides otherwise. Staff's alternative would merely require the company to submit a copy of the form they would be using and would not require a commitment from the company to use a particular form.

RESPONSE AND EXPLANATION OF CHANGE: The commission generally agrees with AT&T Missouri. It is appropriate to allow ETCs the flexibility to design and use forms of their own choosing so long as those forms comply with FCC and commission requirements. Staff proposed alternative language that recognizes the ability of ETCs to design their own appropriate form. The commission will adopt the alternative language proposed by staff.

COMMENT #14: AT&T Missouri contends subparagraph (1)(D)9.B. attempts to track the FCC's rule on de-enrollment for non-usage but does not accurately convey the contents of that rule. AT&T Missouri suggests the commission's rule should simply reference the applicable federal rule. Staff agrees with AT&T Missouri's suggestions.

RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by AT&T Missouri.

COMMENT #15: AT&T Missouri suggests that subsection (1)(F) be modified to clarify that an applicant seeking designation solely for deploying or operating services pursuant to the Connect America Fund or the CAF Mobility Fund is not required to provide the detailed plans required by the paragraphs of that subsection. AT&T Missouri explains that the details required by the subsection are irrelevant to Connect America Fund applications which are aimed at deploying broadband services.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with AT&T Missouri and will adopt the revised language it proposes.

COMMENT #16: Paragraph (1)(F)6. requires an applicant for ETC designation for high-cost support to provide a detailed description of how it intends to monitor the quality of service it provides. AT&T Missouri challenges that requirement, arguing that the FCC does not include quality of service standards as part of federal eligibility qualifications for high-cost ETC designation and further, the Missouri legislature has removed the commission's authority over the quality of service provided by competitive telecommunications companies. AT&T Missouri contends the commission should not attempt to re-impose quality of service standards through the back door offered by ETC designation.

RESPONSE AND EXPLANATION OF CHANGE: Even though the commission's authority to regulate regarding service quality issues for competitive companies is now limited, the commission still has an obligation to ensure that universal service funds are provided to companies that are serious about providing a high level of customer service. The commission will not delete paragraph (1)(F)6., but will modify that paragraph to clarify that applicants are not required to monitor their quality of service, but rather, if applicants monitor their quality of service they must describe how they perform such monitoring.

COMMENT #17: AT&T Missouri objects to section (2) and all its subsections (A) through (O). AT&T Missouri argues that this entire section would impose state requirements on ETCs that differ from the national framework for ETC requirements established in federal regulations by the FCC. AT&T Missouri contends such state requirements would impose additional burdens on ETCs without corresponding benefit. It also warns that ETC's offering services in multiple states will tend to funnel their support to states that do not impose burdensome state-specific requirements on those ETC.

RESPONSE: The commission has an obligation under state and federal law to ensure that ETCs operate honestly and efficiently. The

requirements imposed by section (2) are necessary to accomplish that goal. The commission will not delete section (2).

**COMMENT #18:** If the commission chooses not to eliminate section (2) entirely, AT&T Missouri also challenges several subsections of that section. Subsection (2)(C) requires an ETC to make voice telephony service available to all subscribers in the ETC's service area upon reasonable request. AT&T Missouri points out that the FCC's rules no longer require an ETC to provide service to all subscribers in its service area. Instead, the federal regulation now requires the ETC applicant to certify that it will comply with the service requirements applicable to the support it receives. That distinction is important because the service obligations now differ if the ETC is seeking funding under the FCC's *Connect America Fund Order*.

Staff also recognizes the problem with this subsection. It proposes to correct the problem by limiting the service requirement to those ETCs receiving universal service funding for the provision of voice telephony or Lifeline services, thereby exempting funding under the *Connect America Fund Order*.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission will amend subsection (2)(C) by revising the subsection in the manner proposed by staff, with some modifications to make it clear that the ETCs are not required to provide wireless service and that this requirement does not apply to IVoIP providers.

**COMMENT #19:** In reviewing subsection (2)(E), the commission notes that it requires compliance with "these rules." That is an inexact term and should be replaced with the more exact "this chapter."

**RESPONSE AND EXPLANATION OF CHANGE:** The commission will make that change.

**COMMENT #20:** Subsection (2)(H) requires an ETC to maintain an intrastate tariff, wireless information filing or publicly available website to display all rates, terms, conditions, or other provisions regarding the company's voice telephony services. AT&T Missouri argues this provision exceeds the commission's authority under state law in that telecommunications companies are only required to publish their prices on a website, not other terms or conditions. The commission has even less authority over IVoIP service providers. For that reason, AT&T Missouri urges the commission to delete this subsection.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission disagrees with AT&T Missouri. The requirement that an ETC at least maintain a website describing the prices it offers is not burdensome and provides customers with a means of comparing services between providers. The commission will not delete subsection (2)(H), but will modify the rule to clarify that ETCs are required to post only prices and not the terms, conditions, or other provisions of the services they offer. The commission will also clarify that this provision does not apply to IVoIP providers.

**COMMENT #21:** Subsection (2)(J) requires an ETC to notify the commission's staff of any proceeding initiated against the company by federal or state authorities alleging that the company has violated any state or federal universal service program requirement. AT&T Missouri argues this provision exceeds the commission's authority to make reasonable inquiry into the operations of ETC and urges the commission to delete the subsection.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission seeks the information that this subsection requires to be disclosed because it may only become aware of problems at a company when federal authorities or authorities from another state take action against that company. Unless the commission's staff is made aware of enforcement actions by other authorities against a company, it cannot hope to protect the Missouri programs against those companies and individuals who have shown a willingness to abuse the programs. The commission will not delete subsection (2)(J), but will clarify that this provision does not apply to IVoIP providers.

**COMMENT #22:** Subsection (2)(M) requires an ETC to cooperate and comply with periodic audits and requests for information by the commission's staff to monitor compliance with this chapter. AT&T Missouri would limit that requirement to compliance with the MoUSF requirements of the chapter, arguing that ETCs are already subject to significant audit requirements at the federal level.

**RESPONSE:** This subsection does not attempt to create any new audit authority for the commission. Rather, it requires an ETC to cooperate and comply with such audits and requests for information designed to monitor compliance with this chapter of the commission's rules. AT&T Missouri's proposed modification would limit the commission's authority to monitor compliance with some of the provisions of this chapter. The commission must have the ability to monitor compliance with all provisions of its rule. The commission will not make the change proposed by AT&T Missouri.

**COMMENT #23:** Section (3) establishes annual filing requirements for ETCs. CenturyLink argues that because the FCC already requires companies to annually certify their compliance with Lifeline program requirements, similar requirements by the commission at the state level are redundant. For that reason, CenturyLink proposes to eliminate subparagraphs (3)(A)1.A., B., C., D., E., F., and G., as well as paragraph (3)(A)4. from this rule. The commission's staff agrees that paragraph (3)(A)4. is redundant and should be eliminated from the rule.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission is required to annually certify ETCs in this state for continued participation. It is reasonable for the commission to collect the information necessary to make that determination. The commission will not eliminate subparagraphs (3)(A)1.A., B., C., D., E., F., and G., as requested by CenturyLink. The commission will eliminate paragraph (3)(A)4. as recommended by its staff. Other paragraphs will be renumbered accordingly.

**COMMENT #24:** Subparagraph (3)(A)1.B. requires all Lifeline ETCs to annually certify compliance with all Missouri Lifeline program and Disabled program procedures. AT&T Missouri points out that not all ETCs participate in the MoUSF supported Lifeline and Disabled programs. For that reason AT&T Missouri would add the modifier "applicable" to subparagraph (3)(A)1.B.

**RESPONSE AND EXPLANATION OF CHANGE:** AT&T Missouri's proposed modification is appropriate. The commission will make that change.

**COMMENT #25:** Subparagraph (3)(A)1.C. requires all Lifeline ETCs to annually certify that they are using an application form approved by the board. As previously discussed, several commenters oppose the requirement to use a specific application form approved by the board.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees it is appropriate to allow ETCs the flexibility to design and use forms of their own choosing so long as those forms comply with FCC and commission requirements. AT&T Missouri proposes alternative language for this subsection but staff suggests the subsection be entirely eliminated if use of a mandated form is not required. Instead, staff would create a new paragraph (3)(A)8. that would require the ETC to submit a copy of the form it uses in Missouri. The commission will eliminate subparagraph (3)(A)1.C., renumber the subsequent subparagraphs, and insert a new paragraph (3)(A)8.

**COMMENT #26:** Paragraph (3)(A)2. requires all ETCs to state whether they offer access to interexchange, directory assistance, and operator services. AT&T Missouri and STCG ask the commission to delete this paragraph because the FCC and this commission no longer require ETCs to offer those three (3) services to qualify for ETC status.

**RESPONSE:** Even though ETCs are no longer required to offer these services, they still may choose to do so. The regulation does not

require the ETCs to offer these services, it just requires them to indicate whether they do offer them. It is reasonable for the rule to require that information and the commission will not delete the paragraph.

COMMENT #27: Paragraph (3)(A)5. and its subparagraphs require ETCs to disclose details about the number of subscribers they serve. Several commenters addressed aspects of this subsection. First, staff recommends that part (3)(A)5.C.(I) be eliminated as redundant of federal requirements. CenturyLink and AT&T Missouri would go further contending that all additional subscriber reports required by paragraph (3)(A)5. are redundant of federal requirements, they urge the commission to eliminate that paragraph.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with CenturyLink and AT&T Missouri. There is no need to duplicate the filing requirements imposed by federal regulations. The commission will eliminate paragraph (3)(A)5. in its entirety and will renumber subsequent paragraphs accordingly.

COMMENT #28: Staff suggests that paragraphs (3)(A)6. and (3)(A)7. are unnecessary and should be eliminated. Staff proposes to replace these paragraphs with a new subparagraph (3)(A)1.H. by which the ETC would certify compliance with the requirements of subsections (2)(J) and (K). AT&T Missouri agrees that paragraph (3)(A)7. should be eliminated and proposes alternative language for paragraph (3)(A)6. to confine its scope.

RESPONSE AND EXPLANATION OF CHANGE: The commission will eliminate paragraphs (3)(A)6. and (3)(A)7. as proposed by staff and replace them with a new subparagraph (3)(A)1.H.

COMMENT #29: Subsection (3)(B) requires an ETC receiving high-cost support to submit a variety of additional information each year to the commission for consideration when the commission is deciding whether to recertify the company as an ETC for the next year. The STCG contends the commission should modify this subsection in light of recently promulgated federal reporting requirements. Essentially, the STCG would have the commission eliminate the substantive informational requirements of its regulation and instead have the ETCs file a copy of the report they are required to file with the FCC.

RESPONSE: The commission is not persuaded by the STCG's argument. It is reasonable for the commission to require ETCs to submit additional information for the commission's consideration apart from information that is submitted under federal regulation. The commission will not make the change proposed by the STCG.

COMMENT #30: Paragraph (3)(B)3. requires an ETC receiving high-cost support to explain how the company monitors the quality of service it provides for voice telephony services. Staff suggests this paragraph be modified by replacing "voice telephony services" with "its supported services." Staff explains this change will allow it to learn whether an ETC that is receiving only high-cost support for provisioning of broadband service is monitoring the quality of service it is providing.

AT&T Missouri also addresses paragraph (3)(B)3., arguing that the commission has no authority to regulate the quality of service provided by ETCs. In the alternative, AT&T Missouri suggests the section be modified to exclude ETCs that receive only high-cost support for provisioning of broadband service from the requirements of the subsection.

RESPONSE AND EXPLANATION OF CHANGE: The commission generally agrees with staff. The paragraph does not require an ETC to monitor the quality of service it provides, but it is important to know whether an ETC is monitoring that quality of service. The commission will modify the paragraph to clarify that requirement.

COMMENT #31: The STCG is concerned about subsection (3)(C). That subsection states that an ETC submitting information to the

commission under section (3) may ensure confidentiality by classifying the filing as confidential. The STCG proposes that the subsection be changed to provide that such filing will be automatically deemed confidential and treated accordingly.

RESPONSE AND EXPLANATION OF CHANGE: The commission is persuaded by the STCG's argument. All such filings should be treated as confidential without any special request by the company. The commission will modify the subsection accordingly.

COMMENT #32: Subsection (4)(A) requires ETCs to comply with applicable laws, regulations, and procedures of the federal government as well as other states in which they have ETC status. AT&T Missouri asks that this subsection be stricken as being beyond the authority of the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission cannot enforce the laws and regulations of the FCC, but it can certainly expect ETCs to comply with those laws and regulations. The commission will not delete subsection (4)(A), but will remove references to the laws of other states.

COMMENT #33: Cricket comments that it strongly supports subsection (4)(D), which allows the commission to grant waivers from any provision of these rules.

RESPONSE: The commission thanks Cricket for its comment.

#### **4 CSR 240-31.130 Eligible Telecommunications Carrier Requirements**

(1) Application requirements for Eligible Telecommunications Carrier (ETC) designation.

(B) All ETC applications shall contain the following information regarding the company's proposed provisioning of voice telephony service:

1. A description of the service the applicant will offer;
2. An identification of the applicant's proposed service area;
3. An explanation of how the applicant will offer services using its own facilities or a combination of its own facilities and resale of another carrier's services, including a description of the applicant's own facilities as that term is defined in 47 CFR 54.201. If an applicant is seeking ETC designation solely for Lifeline purposes and does not comply with the own-facilities requirement, the applicant shall provide:

A. A statement confirming that subscribers will have 911 and E911 access; and

B. A copy of the applicant's Federal Communications Commission (FCC) -approved compliance plan. Unless otherwise specified by the FCC, an applicant's compliance plan shall adequately address the information specified in the FCC's Public Notice DA 12-314 released February 29, 2012 for WC Docket Nos. 09-197, 11-42;

4. A statement certifying the applicant will advertise the availability of its supported service and its price, using media of general distribution. The applicant shall also provide an explanation of how the applicant will advertise. The availability of Lifeline service shall be publicized in a manner reasonably designed to reach those likely to qualify for the service. If an applicant intends to advertise its service by direct mail then the company shall explain how it will target those mailings to consumers reasonably likely to qualify for the service. An applicant shall provide examples of advertising, including direct mail advertising, when available.

5. A certification that the applicant will comply with the applicable service requirements in 47 CFR 54.201;

6. A demonstration of the applicant's ability to remain functional in emergency situations, including a description of available back-up power, and a description of how the applicant will reroute traffic around damaged facilities and how it will manage traffic spikes resulting from emergency situations;

7. A statement that the applicant will satisfy applicable consumer protection, consumer privacy, and service quality standards. This statement shall include a list of those specific standards the applicant deems applicable. A wireless applicant shall include a statement that it will comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service;

8. A description of all rates, terms, conditions, and provisions applicable to the proposed voice telephony service to be supported, in whole or part, as Lifeline or Disabled service, including any overage or additional minute charges. The applicant shall state whether this information will be maintained in a tariff or wireless informational filing with the commission, or on a publicly available website;

9. An explanation of how the applicant intends to provide service throughout the proposed service area, including areas where the applicant lacks facilities or network coverage;

10. A description of how the applicant will ensure service will be provided in a timely manner to requesting customers;

11. A commitment to remit required, collected 911 revenues to local authorities;

12. A demonstration that the applicant is financially viable and technically capable of providing voice telephony service; and

13. A description of how, if at all, the applicant will provide access to directory assistance services, operator services, and interexchange services.

(D) All ETC applications shall contain the following information and commitments regarding the applicant's proposed participation in the Lifeline or Disabled program:

1. Certification that all funding will flow through to the subscriber of the applicable program;

2. A commitment that the applicant will solely conduct business using the name or "DBA" under which the commission granted ETC designation. This commitment shall also include a statement the applicant will not use additional service or brand names;

3. A commitment that the applicant will comply with all requirements associated with the Lifeline program contained in 47 CFR Part 54 Subpart E;

4. A commitment that the applicant will comply with all requirements contained in this chapter, whether funded solely through the FUSF or through the FUSF and the Missouri Universal Service Fund (MoUSF);

5. A statement indicating whether the applicant intends to seek support from the MoUSF. If so, the applicant shall state whether it intends to participate in the Disabled program;

6. A demonstration of how the applicant will ensure that the full amount of Lifeline or Disabled support will be passed through to the qualifying low-income consumer;

7. A copy of the Lifeline and/or Disabled Application form(s) to be used by the applicant.

8. An explanation of how the applicant will initiate Lifeline or Disabled service to a subscriber, including:

A. How it will ensure a subscriber meets eligibility requirements;

B. How it will determine if a subscriber's identity and primary address are correct; and

C. How it will ensure that only one (1) Lifeline or Disabled discount is received per household;

9. If the applicant does not assess or collect a monthly fee for Lifeline service, it shall explain how it will comply with the following requirements:

A. The applicant will not receive universal service support until the subscriber activates the service; and

B. De-enrollment for non-usage as provided in 47 CFR 54.405(e)(3).

10. An explanation of how the applicant intends to annually verify a customer's continued eligibility for the Lifeline or Disabled program, including what action will be taken if a subscriber fails to adequately respond or is no longer eligible for support; and

11. A statement indicating whether the applicant intends to use

agents or independent contractors who are not employees of the applicant to sign-up subscribers to the Lifeline or Disabled program. If non-employees are going to be used then the applicant shall supplement this statement by committing to take responsibility for them and their activities as if they were legally employees of the applicant. In addition, the applicant shall explain how it will monitor such personnel to ensure compliance with all applicable laws and rules concerning the Lifeline or Disabled programs.

(F) Any application seeking ETC designation for the intended purpose of receiving federal high-cost support, excluding applications for designation solely for the purpose of deploying or operating services pursuant to either the Connect America Fund or the CAF Mobility Fund established by the FCC's *Connect America Fund Order*, 26 FCC Rcd. 17663 (2011), shall provide the following additional information:

1. A statement that the applicant will comply with all requirements of 47 CFR Part 54 Subpart C;

2. An explanation of how granting ETC status is in the public interest;

3. A five- (5-) year plan describing specific proposed improvements or upgrades to the applicant's network throughout its proposed service area. This plan shall include a description of the intended use of the high-cost support, including detailed descriptions of any construction plans with start and end dates, populations affected by construction plans, existing tower site locations for wireless cell towers, and estimated budget amounts. The plan shall demonstrate that universal service support shall be used to improve coverage, service quality, or capacity throughout the Missouri service area for which the requesting carrier seeks ETC designation including:

A. A detailed map of coverage area before and after improvements and in the case of wireless providers, a map identifying existing cell tower site locations;

B. The specific geographic areas where improvements will be made;

C. The projected start date and completion date for each improvement;

D. The estimated amount of investment for each project that is funded by high-cost support;

E. The estimated population that will be served as a result of the improvements;

F. If an applicant believes that service improvements in a particular wire center or census block are not needed, an explanation of its basis for this determination and a demonstration of how funding will otherwise be used to further the provision of supported services in that area; and

G. A statement as to how the proposed plans would not otherwise occur absent the receipt of high-cost support, and that such support will be used in addition to any expenses the ETC would normally incur;

4. A reasonable plan outlining the method for handling unusual construction or installation charges;

5. A statement that the applicant will use the support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended; and

6. A description of how the applicant intends to monitor, if at all, the company's quality of service. This description includes, but is not limited to monitoring:

A. The timeliness of providing service;

B. The timeliness of restoring out-of-service conditions;

C. The amount of trouble experienced with the applicant's service; and

D. The amount of outages experienced with the applicant's service.

(2) ETC Requirements:

(C) If an ETC, other than a provider of IVoIP service, offers voice telephony service, then that ETC shall make such service available to all subscribers in the ETC's service area upon reasonable request.

(E) Any ETC participating in the federal high-cost support program shall comply with all requirements identified in 47 CFR Part 54 Subpart D and this chapter;

(H) An ETC, other than a provider of IVoIP service, shall maintain an intrastate tariff, wireless informational filing or a publicly available website to display all rates concerning the company's voice telephony services;

(J) An ETC, other than a provider of IVoIP service, shall notify the manager of the commission's Telecommunications Unit of any proceeding initiated by a state or federal regulatory authority alleging the ETC or any person or entity identified in subsection (1)(C) above is violating any state or federal universal service program requirements. Such notice shall also be required if any allegations of fraud, tax evasion, or the commitment of a felony by the ETC or such person or entity are made. Notice shall be made within thirty (30) days of the initiation of the proceeding and shall be in written format either via letter or electronic means. This notice shall explain the allegations, cite the proceeding, and provide contact information for subsequent questions about the proceeding. If possible, the notice shall also provide an electronic link or electronic access to any public documents associated with the proceeding. The ETC shall subsequently forward any final decisions regarding the proceeding made by any state or federal agency or court within thirty (30) days of releasing the decision;

### (3) Annual Filing Requirements for ETCs.

(A) In order for an ETC to continue to receive Lifeline support for the following calendar year, all ETCs, including an ETC solely receiving Lifeline support, shall annually submit, no later than July 1 of each year the following information to the Missouri Commission's Electronic Filing and Information System:

1. A certification by an officer of the company, under penalty of perjury, that:

A. The company complies with each of the annual certification requirements identified in 47 CFR 54.416(a);

B. The company complies with all applicable Missouri Lifeline and Disabled program procedures as identified in 4 CSR 240-31.120;

C. The company complies with all requirements associated with the National Lifeline Accountability Database as identified in 47 CFR 54.404 when implemented;

D. The company's Lifeline service continues to meet the criteria set forth in 47 CFR 54.401;

E. For any company not assessing or collecting a monthly fee from its Lifeline subscribers, the company complies with the service activation and service de-enrollment requirements identified in 47 CFR 54.407(c) and 47 CFR 54.05(e)(3), respectively; and

F. The company's Missouri operations solely use the name of the company as recognized by the commission for ETC designation in all marketing and other USF-related materials including filings with the FUSFA and the FCC;

G. The company has complied with the notification requirements of 4 CSR 240-31.130(2)(J) and (K).

2. A statement indicating whether the company offers access to interexchange services, directory assistance services, and operator services.

3. A copy of the annual report required by 47 CFR 54.422;

4. If an ETC provides Lifeline discounted wholesale services to a reseller then the ETC shall identify the reseller;

5. The electronic address of any web site(s) whereby the company maintains information regarding the company's Lifeline service offering; and

6. A copy of the Lifeline and/or Disabled Application form(s) the ETC uses in Missouri.

(B) All ETCs receiving high-cost support shall submit, no later than July 1 of each year in order for an ETC to continue to receive high-cost support for the following calendar year, the following addi-

tional information with the company's annual filing to the commission's Electronic Filing and Information System:

1. An officer of the company shall certify under penalty of perjury that:

A. All federal high-cost support provided to the company within Missouri was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended;

B. Wireless ETCs must also certify continued compliance with the latest edition of the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service; and

C. The company is able to function in emergency situations as contemplated by 47 CFR 54.202(a)(2).

2. A copy of the company's annual reporting information as required by 47 CFR 54.313.

3. An explanation of how the company monitors, if at all, the quality of service provided by the company for its supported service(s). This explanation includes whether the company monitors the timeliness of providing service and remedying out-of-service conditions.

4. Identify the applicable study area code(s) of the company's high-cost service area in Missouri.

(C) Filings by an ETC pursuant to this section shall be confidential.

### (4) ETC Compliance.

(A) ETCs shall maintain full compliance with all ETC requirements identified in this chapter and in 47 CFR 54.

## **Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 10—Division of Employment Security Chapter 3—Unemployment Insurance**

### **ORDER OF RULEMAKING**

By the authority vested in the Division of Employment Security under section 288.220, RSMo 2000, the division amends a rule as follows:

#### **8 CSR 10-3.085 Charging of Benefits to Reimbursable Employers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1876-1877). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## **Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 41—General Tax Provisions**

### **ORDER OF RULEMAKING**

By the authority vested in the acting director of revenue under section 32.065, RSMo 2000, the director amends a rule as follows:

#### **12 CSR 10-41.010 Annual Adjusted Rate of Interest is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2,

2013 (38 MoReg 2022–2024). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—MO HealthNet Division**  
**Chapter 3—Conditions of Provider Participation,**  
**Reimbursement and Procedure of General Applicability**

**ORDER OF RULEMAKING**

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-3.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1617–1618). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The MO HealthNet Division received one (1) comment in support of the changes and request for additional changes.

COMMENT #1: Brent McGinty, with the Missouri Coalition of Community Mental Health Centers, requested that contemporaneous means at the time the service was performed or within five (5) business days, of the time the service was provided.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(D) will be changed to five (5) business days.

**13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for MO HealthNet Services**

(2) The following definitions will be used in administering this rule:  
 (D) Contemporaneous means at the time the service was performed or within five (5) business days, of the time the service was provided;

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—MO HealthNet Division**  
**Chapter 98—Behavioral Health Services**

**ORDER OF RULEMAKING**

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

**13 CSR 70-98.020 Prior Authorization Process for Non-Pharmaceutical Behavioral Health Services is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1884–1885). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,**  
**FINANCIAL INSTITUTIONS AND PROFESSIONAL**  
**REGISTRATION**  
**Division 400—Life, Annuities and Health**  
**Chapter 5—Advertising and Material Disclosures**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045.1(2), RSMo Supp. 2013, and section 376.756, RSMo 2000, the director amends a rule as follows:

**20 CSR 400-5.600 Missouri Life and Health Insurance Guaranty Association is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1885–1889). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,**  
**FINANCIAL INSTITUTIONS AND PROFESSIONAL**  
**REGISTRATION**  
**Division 2063—Behavior Analyst Advisory Board**  
**Chapter 6—Standards of Practice**

**ORDER OF RULEMAKING**

By the authority vested in the Behavior Analyst Advisory Board under section 337.310.2, RSMo Supp. 2013, the board adopts a rule as follows:

**20 CSR 2063-6.005 Ethical Rules of Conduct is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1631–1637). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment on the proposed rule.

COMMENT: A licensed Behavior Analyst, Lisa Gilbertsen, submitted a comment in favor of the rule but did express concern that these rules are somewhat redundant with the guidelines established by the national Behavior Analyst Certification Board and suggested that the Behavior Analyst Advisory Board simply incorporate a statement that all licensed behavior analysts must adhere to those guidelines or suggested our rules should be in more detail.

RESPONSE: The board cannot adopt another organization's ethical guidelines. Additionally, board rules are not mere laundry lists of acceptable and unacceptable conduct. No changes have been made to the rule as a result of this comment.



**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and  
Transportation Commission  
Chapter 25—Motor Carrier Operations**

**IN ADDITION**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers**

**PUBLIC NOTICE**

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

**SUMMARY:** This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

**DATES:** Comments must be received at the address stated below, on or before, May 1, 2014.

**ADDRESSES:** You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- **Email:** kathy.hatfield@modot.mo.gov
- **Mail:** PO Box 893, Jefferson City, MO 65102-0893
- **Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- **Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED  
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

**FOR FURTHER INFORMATION CONTACT:** Kathy J. Hatfield, Motor Carrier Investigations Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

**SUPPLEMENTARY INFORMATION:**

**Public Participation**

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

**Background**

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2013, MoDOT may issue a SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

**Qualifications of Applicants**

**Application #120**

Applicant's Name & Age: Lonnell Keith McKee, 46

Relevant Physical Condition: Insulin-Treated Diabetes Mellitus.

Mr. McKee has corrected visual acuity of 20/20 Snellen in each eye and corrected 20/25 Snellen in both eyes. He has been ITDM since July 2000, with no glycemic reaction within the past five (5) years.

Relevant Driving Experience: Mr. McKee has approximately two and one half (2 ½) years commercial motor vehicle driving experience. Mr. McKee is currently employed for a company located in Kansas City, KS and drives a frozen food delivery truck in Missouri intrastate commerce only. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination, in December 2013, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. McKee has had no violation or accidents for the previous three (3) years.

**Request for Comments**

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: February 3, 2014

*Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.*

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and  
Transportation Commission  
Chapter 25—Motor Carrier Operations**

**IN ADDITION**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers**

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**Background**

The individuals listed in this notice have recently filed applications

requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2013, MoDOT may issue a SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

**Qualifications of Applicants**

**Application #182**

Applicant's Name & Age: Neil Edward Simmons, 54

Relevant Physical Condition: Insulin-Treated Diabetes Mellitus. Mr. Simmons has uncorrected visual acuity of 20/25 Snellen in each eye and uncorrected 20/25 Snellen in both eyes. He has been ITDM since 1995, with no glycemic reaction within the past five (5) years.

Relevant Driving Experience: Mr. Simmons has approximately thirty-two (32) years commercial motor vehicle driving experience. Mr. Simmons is currently employed for a construction company located in St Louis, MO and drives a dump truck in Missouri intrastate commerce only. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination, in January 2014, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Simmons has had no violation or accidents for the previous three (3) years.

**Request for Comments**

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: February 3, 2014

*Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**IN ADDITION**

Pursuant to section 376.1224, RSMo, regarding the maximum prescribed insurance benefit for the coverage of applied behavior analysis for the treatment of autism, the director of Insurance, Financial

Institutions and Professional Registration is required to calculate the new maximum each year to adjust for inflation.

Using Consumer Price Index (CPI) for All Urban Consumers, as required by section 376.1224, RSMo, the new maximum required benefit was established by the following calculations:

Index Based on 1984 Dollars

CPI for 2012: 229.594

CPI for 2013: 232.957

New ABA Mandated Maximum Benefit = 2013 Limit  $\times$  (2013 Index/2012 Index)

$\$42,117 \times (232.957/229.594) = \$42,734$

**ADDITION TO STATUTORY LIST OF CONTRACTORS  
BARRED FROM PUBLIC WORKS PROJECTS**

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Troy Langley, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Troy Langley including Urban Metropolitan Development, LLC or (3) to any other simulation of Mr. Troy Langley or Urban Metropolitan Development for a period of one year, or until August 8, 2014.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Troy Langley d/b/a Urban Metropolitan Development, LLC Case No. 12AO-CR01752 Jasper County Cir. Ct.		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	08/08/2013	08/08/2013-08/08/2014

Dated this 8 day of January, 2014.

  
John E. Lindsey, Division Director

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
THOMAS E. LONG INVESTMENTS, LLC**

1. The name of the Limited Liability Company is Thomas E. Long Investments, LLC.
2. The Articles of Organization for the limited liability company were filed on the following date: 11/18/2002.
3. Persons with claims against the limited liability company should present them in accordance with the following procedure:
  - a. In order to file a claim against the limited liability company, you must furnish the following:
    - i. Amount of claim;
    - ii. Basis of the claim;
    - iii. Documentation of the Claim.
  - b. Claims must be mailed to:  
  
David A. Vorbeck, Registered Agent, c/o Vorbeck Associates, LLC, 684 SE Bayberry Lane, Suite 101, Lee's Summit, Mo. 64063
4. A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of the notice.

**NOTICE OF WINDING UP TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
FRAME STORE ACQUISITION CO., LLC**

Effective December 30, 2013, Frame Store Acquisition Co., LLC, a Missouri limited liability company (the "Company"), the principal office of which is located at 101 South Hanley, Suite 1250, Clayton, Missouri 63105, was voluntarily dissolved.

All claims against the Company should be presented in accordance with this notice. Claims should be in writing and sent to the Company at this mailing address: 101 South Hanley, Suite 1250, Clayton, Missouri 63105. The claim must contain: (1) the name, address and telephone number of the claimants; (2) the amount of the claim or other relief demanded; (3) the basis of the claim and any documents related to the claim; and (4) the date(s) as of which the event(s) on which the claim is based occurred. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST BROWN & DAVIS CONSTRUCTION, LLC, A MISSOURI LIMITED LIABILITY COMPANY (" Company").**

On January 13, 2014, Brown & Davis Construction, LLC, Charter Number LC1165732, filed its Notice of Winding Up with the Missouri Secretary of State. Said Company requests that all persons and organizations who have claims against it present them immediately by letter to Danny Joe Brown, 14506 290<sup>th</sup> Street, Skidmore, MO 64487. All claims must include the following information: (1) The name and current address of the claimant. (2) The amount claimed. (3) A clear and concise statement of the facts supporting the claim. (4) The date the claim was incurred.

Note: Any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this or any other notice authorized by statute, whichever is published last.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST GL3, LLC**

On January 23, 2014, GL3, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o John M. Carnahan III, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OR AND CLAIMANTS AGAINST LESLIE J WILSON CPA PC**

On January 27, 2014, Leslie J Wilson CPA PC, a Missouri corporation, filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State, to be effective December 7, 2013. All claims against Leslie J Wilson CPA PC should be presented in accordance with this notice. Written claims are to be addressed to Leslie Wilson P O Box 505, Stilwell, KS 66085. Each claim shall include a summary in writing of the circumstances surrounding your claim and the following: (1) the claimant's name, address and telephone number, (2) the amount of the claim, (3) the date on which the claim arose, (4) the basis of the claim and any documents related to the claim. Any and all claims against Leslie J Wilson CPA PC will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
DOMUS COMMUNITIES, LLC**

Effective December 30, 2013, Domus Communities, LLC, a Delaware limited liability company (the "Company"), the principal office of which is located at 909 Walnut, Suite 200, Kansas City, Missouri 64106, was voluntarily dissolved.

All claims against the Company should be presented in accordance with this notice. Claims should be in writing and sent to the Company at this mailing address: 909 Walnut, Suite 200, Kansas City, Missouri 64106. The claim must contain: (1) the name, address and telephone number of the claimants; (2) the amount of the claim or other relief demanded; (3) the basis of the claim and any documents related to the claim; and (4) the date(s) as of which the event(s) on which the claim is based occurred. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within ten years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST  
BI-STATE MEDICAL CONSULTANTS, INC.**

On January 31, 2014, Bi-State Medical Consultants, Inc., a Missouri corporation ("Corporation") agreed to dissolve and wind up the Corporation.

The Corporation requests that all persons and organizations who have claims against it present those claims immediately by letter to Jay A. Nathanson at Greensfelder, Hemker & Gale, P.C., 10 South Broadway, Suite 2000, St. Louis, Missouri 63102. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

**NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF BI-STATE MEDICAL CONSULTANTS, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER MARCH 3, 2014.**

Jay A. Nathanson, Authorized Representative

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b> State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053
1 CSR 10-7.010	Commissioner of Administration		38 MoReg 1738	39 MoReg 499	
1 CSR 20-5.015	Personnel Advisory Board and Division of Personnel		38 MoReg 1608	39 MoReg 499	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		38 MoReg 1608	39 MoReg 499	
	<b>DEPARTMENT OF AGRICULTURE</b>				
2 CSR 30-2.020	Animal Health		38 MoReg 1360	39 MoReg 455W	
2 CSR 30-10.010	Animal Health		39 MoReg 68		
2 CSR 80-2.050	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 80-5.010	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 90-10	Weights and Measures				38 MoReg 124I
	<b>DEPARTMENT OF CONSERVATION</b>				
3 CSR 10-3.010	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-4.130	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-5.430	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-6.510	Conservation Commission		38 MoReg 1742	39 MoReg 254	
3 CSR 10-6.545	Conservation Commission		38 MoReg 1743	39 MoReg 255	
3 CSR 10-6.550	Conservation Commission		38 MoReg 1743	39 MoReg 255	
3 CSR 10-7.410	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.431	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.433	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.440	Conservation Commission		38 MoReg 1745	39 MoReg 255	
3 CSR 10-7.455	Conservation Commission				39 MoReg 403
3 CSR 10-9.105	Conservation Commission		38 MoReg 1745	39 MoReg 256	
3 CSR 10-9.110	Conservation Commission		38 MoReg 1747	39 MoReg 256	
3 CSR 10-9.442	Conservation Commission		38 MoReg 1750	39 MoReg 256	
3 CSR 10-10.705	Conservation Commission		38 MoReg 1750	39 MoReg 256	
3 CSR 10-10.744	Conservation Commission		38 MoReg 1752	39 MoReg 256	
3 CSR 10-11.130	Conservation Commission		38 MoReg 1752	39 MoReg 256	
3 CSR 10-11.180	Conservation Commission		38 MoReg 1752	39 MoReg 257	
3 CSR 10-11.184	Conservation Commission		38 MoReg 1753	39 MoReg 257	
3 CSR 10-11.185	Conservation Commission		38 MoReg 1753	39 MoReg 257	
3 CSR 10-11.205	Conservation Commission		38 MoReg 1754	39 MoReg 257	
3 CSR 10-12.110	Conservation Commission		38 MoReg 1754	39 MoReg 257	
3 CSR 10-12.115	Conservation Commission		38 MoReg 1755	39 MoReg 257	
3 CSR 10-12.125	Conservation Commission		38 MoReg 1756	39 MoReg 258	
3 CSR 10-12.135	Conservation Commission		38 MoReg 1756	39 MoReg 258	
3 CSR 10-12.140	Conservation Commission		38 MoReg 1757	39 MoReg 258	
3 CSR 10-12.145	Conservation Commission		38 MoReg 1757	39 MoReg 258	
	<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>				
4 CSR 85-8.010	Division of Business and Community Services	38 MoReg 1925 39 MoReg 489T			
4 CSR 85-8.011	Division of Business and Community Services		This Issue		
4 CSR 85-8.020	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-8.021	Division of Business and Community Services		This Issue		
4 CSR 85-8.030	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-9.010	Division of Business and Community Services	38 MoReg 1935 39 MoReg 489T			
4 CSR 85-9.011	Division of Business and Community Services		This Issue		
4 CSR 85-9.020	Division of Business and Community Services	38 MoReg 1936 39 MoReg 489T			
4 CSR 85-9.021	Division of Business and Community Services		This Issue		
4 CSR 85-9.030	Division of Business and Community Services	38 MoReg 1937 39 MoReg 490T			
4 CSR 85-9.031	Division of Business and Community Services		This Issue		



Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 85-9.035	Division of Business and Community Services		This Issue		
4 CSR 85-9.040	Division of Business and Community Services	38 MoReg 1947 39 MoReg 490T			
4 CSR 85-9.041	Division of Business and Community Services		This Issue		
4 CSR 85-9.050	Division of Business and Community Services	38 MoReg 1954 39 MoReg 490T			
4 CSR 85-9.051	Division of Business and Community Services		This Issue		
4 CSR 240-2.090	Public Service Commission		This Issue		
4 CSR 240-3.570	Public Service Commission		38 MoReg 1461R	This IssueR	
4 CSR 240-13.010	Public Service Commission		38 MoReg 1363	39 MoReg 499	
4 CSR 240-13.015	Public Service Commission		38 MoReg 1364	39 MoReg 500	
4 CSR 240-13.020	Public Service Commission		38 MoReg 1365	39 MoReg 502	
4 CSR 240-13.025	Public Service Commission		38 MoReg 1366	39 MoReg 503	
4 CSR 240-13.030	Public Service Commission		38 MoReg 1367	39 MoReg 504	
4 CSR 240-13.035	Public Service Commission		38 MoReg 1368	39 MoReg 506	
4 CSR 240-13.040	Public Service Commission		38 MoReg 1369	39 MoReg 507	
4 CSR 240-13.045	Public Service Commission		38 MoReg 1370	39 MoReg 508	
4 CSR 240-13.050	Public Service Commission		38 MoReg 1371	39 MoReg 508	
4 CSR 240-13.055	Public Service Commission		38 MoReg 1375	39 MoReg 511	
4 CSR 240-13.060	Public Service Commission		38 MoReg 1375	39 MoReg 512	
4 CSR 240-13.070	Public Service Commission		38 MoReg 1376	39 MoReg 513	
4 CSR 240-31.010	Public Service Commission		38 MoReg 1461	This Issue	
4 CSR 240-31.020	Public Service Commission		38 MoReg 1463	This Issue	
4 CSR 240-31.030	Public Service Commission		38 MoReg 1464	This Issue	
4 CSR 240-31.040	Public Service Commission		38 MoReg 1465R	This IssueW	
4 CSR 240-31.050	Public Service Commission		38 MoReg 1465R	This IssueR	
4 CSR 240-31.060	Public Service Commission		38 MoReg 1466	This Issue	
4 CSR 240-31.065	Public Service Commission		38 MoReg 1467R	This IssueR	
4 CSR 240-31.070	Public Service Commission		38 MoReg 1468R	This IssueR	
4 CSR 240-31.080	Public Service Commission		38 MoReg 1468R	This IssueR	
4 CSR 240-31.090	Public Service Commission		38 MoReg 1468	This Issue	
4 CSR 240-31.100	Public Service Commission		38 MoReg 1469R	This IssueW	
4 CSR 240-31.110	Public Service Commission		38 MoReg 1469	This Issue	
4 CSR 240-31.120	Public Service Commission		38 MoReg 1470	This Issue	
4 CSR 240-31.130	Public Service Commission		38 MoReg 1472	This Issue	
4 CSR 240-120.065	Public Service Commission		38 MoReg 1480	39 MoReg 513	
4 CSR 240-120.085	Public Service Commission		38 MoReg 1481	39 MoReg 515	
4 CSR 240-120.130	Public Service Commission		38 MoReg 1481	39 MoReg 516	
4 CSR 240-123.065	Public Service Commission		38 MoReg 1482	39 MoReg 517	
4 CSR 240-123.070	Public Service Commission		38 MoReg 1483	39 MoReg 519	
4 CSR 240-123.095	Public Service Commission		38 MoReg 1483	39 MoReg 520	
4 CSR 240-125.010	Public Service Commission		38 MoReg 1484	39 MoReg 520	
4 CSR 240-125.040	Public Service Commission		38 MoReg 1484	39 MoReg 521	
4 CSR 240-125.070	Public Service Commission		38 MoReg 1485	39 MoReg 523	
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 10-1.010	Commissioner of Education		38 MoReg 1527	39 MoReg 524	
5 CSR 10-2.010	Commissioner of Education		38 MoReg 1966		
5 CSR 10-2.020	Commissioner of Education		38 MoReg 1971		
5 CSR 10-2.030	Commissioner of Education		38 MoReg 1971		
5 CSR 20-100.170	Division of Learning Services		38 MoReg 1972R		
5 CSR 20-100.255	Division of Learning Services		37 MoReg 1571	38 MoReg 520F	
5 CSR 20-100.265	Division of Learning Services		38 MoReg 1758		
5 CSR 20-200.290	Division of Learning Services		38 MoReg 1762		
5 CSR 20-200.300	Division of Learning Services		38 MoReg 1762		
5 CSR 20-300.110	Division of Learning Services		N.A.	39 MoReg 524	
5 CSR 20-300.120	Division of Learning Services		N.A.	39 MoReg 525	
5 CSR 20-300.160	Division of Learning Services		38 MoReg 1527	39 MoReg 525	
5 CSR 20-300.170	Division of Learning Services		38 MoReg 1528	39 MoReg 526	
5 CSR 20-300.180	Division of Learning Services		38 MoReg 1531	39 MoReg 526	
5 CSR 20-300.190	Division of Learning Services		38 MoReg 1531	39 MoReg 526	
5 CSR 20-300.200	Division of Learning Services		38 MoReg 1531	39 MoReg 527	
5 CSR 20-400.120	Division of Learning Services		39 MoReg 191R		
5 CSR 20-400.130	Division of Learning Services		39 MoReg 191R		
5 CSR 20-400.140	Division of Learning Services		39 MoReg 192R		
5 CSR 20-400.375	Division of Learning Services		38 MoReg 825 38 MoReg 1972		
5 CSR 20-400.500	Division of Learning Services		38 MoReg 1976		
5 CSR 20-400.510	Division of Learning Services		38 MoReg 1977		
5 CSR 20-400.520	Division of Learning Services		38 MoReg 1978		
5 CSR 20-400.530	Division of Learning Services		38 MoReg 1979		
5 CSR 20-400.540	Division of Learning Services		38 MoReg 1981		
5 CSR 20-400.550	Division of Learning Services		38 MoReg 1985		
5 CSR 20-400.560	Division of Learning Services		38 MoReg 1987		
5 CSR 20-400.570	Division of Learning Services		38 MoReg 1992		
5 CSR 20-400.580	Division of Learning Services		38 MoReg 1992		
5 CSR 20-400.590	Division of Learning Services		38 MoReg 1993		
5 CSR 20-400.600	Division of Learning Services		38 MoReg 1994		
5 CSR 20-400.610	Division of Learning Services		38 MoReg 1994		
5 CSR 20-400.620	Division of Learning Services		38 MoReg 1998		
5 CSR 20-400.630	Division of Learning Services		38 MoReg 1998		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 20-400.640	Division of Learning Services		38 MoReg 1999		
5 CSR 20-400.650	Division of Learning Services		38 MoReg 2002		
5 CSR 20-400.660	Division of Learning Services		38 MoReg 2003		
5 CSR 20-400.670	Division of Learning Services		38 MoReg 2005		
5 CSR 20-400.680	Division of Learning Services		38 MoReg 2006		
5 CSR 20-400.690	Division of Learning Services		38 MoReg 2007		
5 CSR 20-400.700	Division of Learning Services		38 MoReg 2008		
5 CSR 20-500.120	Division of Learning Services		38 MoReg 1764		
5 CSR 20-500.130	Division of Learning Services		This Issue		
5 CSR 20-500.140	Division of Learning Services		This Issue		
5 CSR 20-500.150	Division of Learning Services		This Issue		
5 CSR 20-500.160	Division of Learning Services		This Issue		
5 CSR 20-500.170	Division of Learning Services		This Issue		
5 CSR 20-500.180	Division of Learning Services		This Issue		
5 CSR 20-500.190	Division of Learning Services		This Issue		
5 CSR 20-500.200	Division of Learning Services		This Issue		
5 CSR 30-640.100	Division of Financial and Administrative Services		38 MoReg 1532R	39 MoReg 527R	
5 CSR 100-200.010	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		This IssueR		
5 CSR 100-200.035	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.075	Missouri Commission for the Deaf and Hard of Hearing		This IssueR		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-6.010	Missouri Highways and Transportation Commission		38 MoReg 1860		
7 CSR 10-6.015	Missouri Highways and Transportation Commission		38 MoReg 1861		
7 CSR 10-6.020	Missouri Highways and Transportation Commission		38 MoReg 1862		
7 CSR 10-6.030	Missouri Highways and Transportation Commission		38 MoReg 1863		
7 CSR 10-6.040	Missouri Highways and Transportation Commission		38 MoReg 1864		
7 CSR 10-6.050	Missouri Highways and Transportation Commission		38 MoReg 1870		
7 CSR 10-6.060	Missouri Highways and Transportation Commission		38 MoReg 1870		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		38 MoReg 1871		
7 CSR 10-6.080	Missouri Highways and Transportation Commission		38 MoReg 1873		
7 CSR 10-6.085	Missouri Highways and Transportation Commission		38 MoReg 1874		
7 CSR 10-6.090	Missouri Highways and Transportation Commission		38 MoReg 1876		
7 CSR 10-12.010	Missouri Highways and Transportation Commission		39 MoReg 493		
7 CSR 10-12.020	Missouri Highways and Transportation Commission		39 MoReg 493		
7 CSR 10-12.030	Missouri Highways and Transportation Commission		39 MoReg 494		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				This Issue This Issue
7 CSR 60-2.010	Traffic and Highway Safety Division	38 MoReg 1591	38 MoReg 1610	39 MoReg 527	
7 CSR 60-2.020	Traffic and Highway Safety Division	38 MoReg 1593	38 MoReg 1611	39 MoReg 529	
7 CSR 60-2.030	Traffic and Highway Safety Division	38 MoReg 1595	38 MoReg 1612	39 MoReg 529	
7 CSR 60-2.040	Traffic and Highway Safety Division	38 MoReg 1597	38 MoReg 1613	39 MoReg 529	
7 CSR 60-2.050	Traffic and Highway Safety Division	38 MoReg 1600	38 MoReg 1615	39 MoReg 530	
7 CSR 60-2.060	Traffic and Highway Safety Division		38 MoReg 1616	39 MoReg 530	
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 10-3.085	Division of Employment Security		38 MoReg 1876	This Issue	
8 CSR 10-3.150	Division of Employment Security	38 MoReg 1515	38 MoReg 1532	39 MoReg 258	
8 CSR 10-4.020	Division of Employment Security		38 MoReg 1533	39 MoReg 258	
8 CSR 10-4.210	Division of Employment Security	38 MoReg 1516	38 MoReg 1533	39 MoReg 259	
8 CSR 50-2.030	Division of Workers' Compensation		38 MoReg 2087		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 30-2.010	Certification Standards		39 MoReg 438		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-3.010	Air Conservation Commission		38 MoReg 1100R	38 MoReg 2045R	
10 CSR 10-5.240	Air Conservation Commission		38 MoReg 1877R		
10 CSR 10-6.010	Air Conservation Commission		38 MoReg 2089		
10 CSR 10-6.020	Air Conservation Commission		38 MoReg 1265	39 MoReg 455	
10 CSR 10-6.161	Air Conservation Commission		38 MoReg 1297	39 MoReg 455	
10 CSR 10-6.200	Air Conservation Commission		38 MoReg 1382		
			38 MoReg 2008		
10 CSR 20-6.011	Clean Water Commission		38 MoReg 1534		
10 CSR 20-7.015	Clean Water Commission		38 MoReg 913	39 MoReg 259	
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10 CSR 25	Hazardous Waste Management Commission				39 MoReg 461RUC
10 CSR 40-6.030	Land Reclamation Commission		38 MoReg 1298	38 MoReg 2045	
10 CSR 40-6.070	Land Reclamation Commission		38 MoReg 1299	38 MoReg 2045	
10 CSR 40-6.100	Land Reclamation Commission		38 MoReg 1300	38 MoReg 2045	
10 CSR 40-8.030	Land Reclamation Commission		38 MoReg 1301	38 MoReg 2046	
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10 CSR 140-2	Division of Energy				38 MoReg 432 38 MoReg 1431
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11 CSR 45-4.230	Missouri Gaming Commission		This Issue		
11 CSR 45-4.260	Missouri Gaming Commission		39 MoReg 198		
11 CSR 45-4.380	Missouri Gaming Commission		39 MoReg 201		
11 CSR 45-4.390	Missouri Gaming Commission		39 MoReg 201		
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11 CSR 45-4.410	Missouri Gaming Commission		39 MoReg 203		
11 CSR 45-4.420	Missouri Gaming Commission		39 MoReg 204		
11 CSR 45-5.190	Missouri Gaming Commission		This Issue		
11 CSR 45-5.225	Missouri Gaming Commission		This Issue		
11 CSR 45-5.237	Missouri Gaming Commission		38 MoReg 2019		
11 CSR 45-7.170	Missouri Gaming Commission		39 MoReg 204		
11 CSR 45-9.111	Missouri Gaming Commission		38 MoReg 2020		
11 CSR 45-9.113	Missouri Gaming Commission		39 MoReg 204		
11 CSR 45-9.118	Missouri Gaming Commission		39 MoReg 205		
11 CSR 45-9.119	Missouri Gaming Commission		38 MoReg 2022		
11 CSR 45-10.020	Missouri Gaming Commission		39 MoReg 205		
11 CSR 45-13.030	Missouri Gaming Commission		39 MoReg 205		
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12 CSR 10-2.052	Director of Revenue		38 MoReg 1764	39 MoReg 456	
12 CSR 10-23.500	Director of Revenue	38 MoReg 1520	38 MoReg 1550	39 MoReg 164	
12 CSR 10-41.010	Director of Revenue	38 MoReg 1965	38 MoReg 2022	This Issue	
12 CSR 10-109.050	Director of Revenue		39 MoReg 495		
12 CSR 30-4.010	State Tax Commission		39 MoReg 438		
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13 CSR 35-36.010	Children's Division		38 MoReg 2025		
13 CSR 35-71.010	Children's Division		39 MoReg 206		
13 CSR 35-71.020	Children's Division		39 MoReg 207		
13 CSR 35-71.025	Children's Division		39 MoReg 209		
13 CSR 35-71.030	Children's Division		39 MoReg 210		
13 CSR 35-71.035	Children's Division		39 MoReg 213		
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13 CSR 35-71.090	Children's Division		39 MoReg 228		
13 CSR 35-71.100	Children's Division		39 MoReg 228		
13 CSR 35-71.110	Children's Division		39 MoReg 230		
13 CSR 35-71.120	Children's Division		39 MoReg 231		
13 CSR 35-71.130	Children's Division		39 MoReg 231		
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13 CSR 40-2.010	Family Support Division	39 MoReg 431	38 MoReg 1393	39 MoReg 164	
13 CSR 40-7.010	Family Support Division	39 MoReg 432	38 MoReg 1394	39 MoReg 164	
13 CSR 40-7.015	Family Support Division	39 MoReg 433	38 MoReg 1395	39 MoReg 164	
13 CSR 40-7.020	Family Support Division	39 MoReg 434	38 MoReg 1396	39 MoReg 165	
13 CSR 40-7.030	Family Support Division	39 MoReg 435	38 MoReg 1396	39 MoReg 165	
13 CSR 40-7.040	Family Support Division	39 MoReg 436	38 MoReg 1397	39 MoReg 165	
13 CSR 40-24.080	Family Support Division		38 MoReg 2026		
13 CSR 40-24.090	Family Support Division		38 MoReg 2032		
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13 CSR 40-100.040	Family Support Division	38 MoReg 1601	38 MoReg 1617	39 MoReg 398	
13 CSR 65-2.010	Missouri Medicaid Audit and Compliance		39 MoReg 235		
13 CSR 65-2.020	Missouri Medicaid Audit and Compliance		39 MoReg 238		
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13 CSR 70-3.200	MO HealthNet Division		38 MoReg 1877		
13 CSR 70-4.120	MO HealthNet Division		38 MoReg 1765	39 MoReg 530	
13 CSR 70-10.015	MO HealthNet Division		38 MoReg 1218	38 MoReg 2046	
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13 CSR 70-10.030	MO HealthNet Division		39 MoReg 245		
13 CSR 70-10.160	MO HealthNet Division	38 MoReg 1520	38 MoReg 1221	38 MoReg 2046	
13 CSR 70-15.010	MO HealthNet Division	38 MoReg 1215	38 MoReg 1222	38 MoReg 2046	
13 CSR 70-15.030	MO HealthNet Division		38 MoReg 1618	39 MoReg 530	
13 CSR 70-15.110	MO HealthNet Division	38 MoReg 1216	38 MoReg 1226	38 MoReg 2046	
13 CSR 70-15.160	MO HealthNet Division		38 MoReg 1232	38 MoReg 2047	
13 CSR 70-20.031	MO HealthNet Division		38 MoReg 1619	39 MoReg 530	
13 CSR 70-20.032	MO HealthNet Division		38 MoReg 1620	39 MoReg 530	
13 CSR 70-20.050	MO HealthNet Division		38 MoReg 1620	39 MoReg 531	
13 CSR 70-20.060	MO HealthNet Division		38 MoReg 1768	39 MoReg 531	
13 CSR 70-20.071	MO HealthNet Division		38 MoReg 1769	39 MoReg 531	
13 CSR 70-20.200	MO HealthNet Division		38 MoReg 1769	39 MoReg 531	
13 CSR 70-20.250	MO HealthNet Division		38 MoReg 1621	39 MoReg 531	
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13 CSR 70-40.010	MO HealthNet Division		38 MoReg 1882		
13 CSR 70-45.010	MO HealthNet Division		38 MoReg 1883		
13 CSR 70-50.010	MO HealthNet Division		38 MoReg 1770	39 MoReg 532	
13 CSR 70-60.010	MO HealthNet Division		38 MoReg 1776	39 MoReg 532	
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14 CSR 80-5.010	State Board of Probation and Parole		38 MoReg 2043		
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15 CSR 30-90.010	Secretary of State	38 MoReg 1522	38 MoReg 1554	39 MoReg 398	
15 CSR 30-90.090	Secretary of State	38 MoReg 1522	38 MoReg 1554	39 MoReg 398	
15 CSR 30-90.170	Secretary of State	38 MoReg 1523	38 MoReg 1555	39 MoReg 398	
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16 CSR 10-1.040	The Public School Retirement System of Missouri		38 MoReg 1232	38 MoReg 2047	
16 CSR 10-3.010	The Public School Retirement System of Missouri		38 MoReg 1233	38 MoReg 2047	
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16 CSR 10-4.005	The Public School Retirement System of Missouri		38 MoReg 1234	38 MoReg 2047	
16 CSR 10-5.010	The Public School Retirement System of Missouri		38 MoReg 1235	38 MoReg 2047	
16 CSR 10-6.020	The Public School Retirement System of Missouri		38 MoReg 1235	38 MoReg 2048	
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16 CSR 10-6.060	The Public School Retirement System of Missouri		38 MoReg 1237	38 MoReg 2048	
16 CSR 20-2.060	Missouri Local Government Employees' Retirement System (LAGERS)	39 MoReg 436	39 MoReg 441		
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19 CSR 25-30.031	State Public Health Laboratory	38 MoReg 1602	38 MoReg 1623	39 MoReg 399	
19 CSR 25-30.050	State Public Health Laboratory	38 MoReg 1604	38 MoReg 1625	39 MoReg 399	
19 CSR 25-30.051	State Public Health Laboratory		38 MoReg 1625	39 MoReg 399	
19 CSR 25-30.060	State Public Health Laboratory	38 MoReg 1604	38 MoReg 1626	39 MoReg 399	
19 CSR 30-20.070	Division of Regulation and Licensure		39 MoReg 441		
19 CSR 30-20.088	Division of Regulation and Licensure		39 MoReg 443		
19 CSR 30-20.090	Division of Regulation and Licensure		39 MoReg 443		
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19 CSR 30-20.110	Division of Regulation and Licensure		38 MoReg 1167	38 MoReg 2093	
19 CSR 30-20.112	Division of Regulation and Licensure		38 MoReg 1168	38 MoReg 2093	
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19 CSR 30-20.116	Division of Regulation and Licensure		39 MoReg 449		
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19 CSR 30-20.122	Division of Regulation and Licensure		38 MoReg 1170R	38 MoReg 2094R	
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19 CSR 30-20.136	Division of Regulation and Licensure		39 MoReg 451		
19 CSR 30-20.138	Division of Regulation and Licensure		39 MoReg 452		
19 CSR 30-20.140	Division of Regulation and Licensure		39 MoReg 452		
19 CSR 30-20.142	Division of Regulation and Licensure		38 MoReg 1171	38 MoReg 2095	
19 CSR 30-22.020	Division of Regulation and Licensure		39 MoReg 453R		
19 CSR 30-22.030	Division of Regulation and Licensure		39 MoReg 453R		
19 CSR 30-24.040	Division of Regulation and Licensure		39 MoReg 454R		

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20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 167
20 CSR	Sovereign Immunity Limits				39 MoReg 167
20 CSR	State Legal Expense Fund Cap				39 MoReg 167
20 CSR 200-2.100	Insurance Solvency and Company Regulation	38 MoReg 1695	38 MoReg 1778	39 MoReg 532	
20 CSR 400-2.160	Life, Annuities and Health		38 MoReg 1555	39 MoReg 399	
20 CSR 400-5.600	Life, Annuities and Health		38 MoReg 1885	This Issue	
20 CSR 400-11.100	Life, Annuities and Health	38 MoReg 1353	38 MoReg 1397	38 MoReg 2095	
20 CSR 400-11.120	Life, Annuities and Health	38 MoReg 1732	38 MoReg 1816	39 MoReg 537	
20 CSR 400-12.100	Life, Annuities and Health	38 MoReg 1737	38 MoReg 1826	39 MoReg 537	
20 CSR 1140-30.240	Division of Finance		38 MoReg 1628		
20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487	39 MoReg 400	
20 CSR 2030-2.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487	39 MoReg 400	
20 CSR 2030-2.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487	39 MoReg 400W	
20 CSR 2063-6.005	Behavior Analyst Advisory Board		38 MoReg 1631	This Issue	
20 CSR 2085-8.070	Board of Cosmetology and Barber Examiners		39 MoReg 68		
20 CSR 2085-12.010	Board of Cosmetology and Barber Examiners		38 MoReg 1637	39 MoReg 400	
20 CSR 2085-12.020	Board of Cosmetology and Barber Examiners		38 MoReg 1637	39 MoReg 401	
20 CSR 2085-13.070	Board of Cosmetology and Barber Examiners		38 MoReg 1638	39 MoReg 401	
20 CSR 2145-1.040	Missouri Board of Geologist Registration		38 MoReg 1114	38 MoReg 2048	
20 CSR 2145-2.020	Missouri Board of Geologist Registration		38 MoReg 1116	38 MoReg 2048	
20 CSR 2145-2.030	Missouri Board of Geologist Registration		38 MoReg 1116	38 MoReg 2048	
20 CSR 2145-2.065	Missouri Board of Geologist Registration		38 MoReg 1117	38 MoReg 2049	
20 CSR 2145-2.080	Missouri Board of Geologist Registration		38 MoReg 1120	38 MoReg 2049	
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		38 MoReg 1638	39 MoReg 401	
20 CSR 2165-2.030	Board of Examiners for Hearing Instrument Specialists		38 MoReg 1641	39 MoReg 401	
20 CSR 2200-1.010	State Board of Nursing		38 MoReg 1641	39 MoReg 401	
20 CSR 2200-4.020	State Board of Nursing		38 MoReg 1642	39 MoReg 402	
20 CSR 2200-4.030	State Board of Nursing		38 MoReg 1556	39 MoReg 402	
20 CSR 2205-3.030	Missouri Board of Occupational Therapy		38 MoReg 1303	38 MoReg 2049	
20 CSR 2210-2.030	State Board of Optometry		39 MoReg 454		
20 CSR 2220-2.950	State Board of Pharmacy		39 MoReg 73		
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20 CSR 2232-1.040	Missouri State Committee of Interpreters		38 MoReg 1409	38 MoReg 2095	
20 CSR 2232-2.010	Missouri State Committee of Interpreters		38 MoReg 1412	38 MoReg 2096	
20 CSR 2232-2.020	Missouri State Committee of Interpreters		38 MoReg 1416	38 MoReg 2096	
20 CSR 2232-2.030	Missouri State Committee of Interpreters		38 MoReg 1420	38 MoReg 2096	
20 CSR 2234-1.010	Board of Private Investigator Examiners		38 MoReg 1643	39 MoReg 456	
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20 CSR 2234-1.030	Board of Private Investigator Examiners		38 MoReg 1644	39 MoReg 456	
20 CSR 2234-1.040	Board of Private Investigator Examiners		38 MoReg 1644	39 MoReg 456	
20 CSR 2234-1.050	Board of Private Investigator Examiners		38 MoReg 1645	39 MoReg 457	
20 CSR 2234-2.010	Board of Private Investigator Examiners		38 MoReg 1649	39 MoReg 457	
20 CSR 2234-2.015	Board of Private Investigator Examiners		38 MoReg 1649	39 MoReg 457	
20 CSR 2234-2.020	Board of Private Investigator Examiners		38 MoReg 1654	39 MoReg 457	
20 CSR 2234-2.030	Board of Private Investigator Examiners		38 MoReg 1654	39 MoReg 457	
20 CSR 2234-2.040	Board of Private Investigator Examiners		38 MoReg 1654	39 MoReg 457	
20 CSR 2234-3.010	Board of Private Investigator Examiners		38 MoReg 1658	39 MoReg 458	
20 CSR 2234-3.020	Board of Private Investigator Examiners		38 MoReg 1658	39 MoReg 458	
20 CSR 2234-3.030	Board of Private Investigator Examiners		38 MoReg 1659	39 MoReg 458	
20 CSR 2234-3.040	Board of Private Investigator Examiners		38 MoReg 1659	39 MoReg 458	
20 CSR 2234-3.070	Board of Private Investigator Examiners		38 MoReg 1659	39 MoReg 459	
20 CSR 2234-4.010	Board of Private Investigator Examiners		38 MoReg 1660R	39 MoReg 459R	
20 CSR 2234-4.020	Board of Private Investigator Examiners		38 MoReg 1660R	39 MoReg 459R	
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20 CSR 2234-4.040	Board of Private Investigator Examiners		38 MoReg 1660R	39 MoReg 459R	
20 CSR 2234-4.050	Board of Private Investigator Examiners		38 MoReg 1661R	39 MoReg 459R	
20 CSR 2234-6.010	Board of Private Investigator Examiners		38 MoReg 1661	39 MoReg 460	
20 CSR 2234-7.010	Board of Private Investigator Examiners		38 MoReg 1665	39 MoReg 460	
20 CSR 2235-1.020	State Committee of Psychologists		38 MoReg 1175	38 MoReg 2050	
20 CSR 2235-1.025	State Committee of Psychologists		38 MoReg 1179	38 MoReg 2050	
20 CSR 2235-1.026	State Committee of Psychologists		38 MoReg 1179	38 MoReg 2050	
20 CSR 2235-1.030	State Committee of Psychologists		38 MoReg 1179R	38 MoReg 2051R	
			38 MoReg 1180	38 MoReg 2051	
20 CSR 2235-2.060	State Committee of Psychologists		38 MoReg 1182	38 MoReg 2051	
20 CSR 2235-2.065	State Committee of Psychologists		38 MoReg 1182	38 MoReg 2051	
20 CSR 2245-1.010	Real Estate Appraisers		38 MoReg 1303	38 MoReg 2052	
20 CSR 2245-3.005	Real Estate Appraisers		38 MoReg 1304	38 MoReg 2052	
20 CSR 2245-3.010	Real Estate Appraisers		38 MoReg 1304	38 MoReg 2052	
20 CSR 2245-6.040	Real Estate Appraisers		38 MoReg 1305	38 MoReg 2052	
20 CSR 2245-8.010	Real Estate Appraisers		38 MoReg 1305	38 MoReg 2052	
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<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-1.010	Health Care Plan		39 MoReg 73		
22 CSR 10-1.020	Health Care Plan		39 MoReg 73		
22 CSR 10-2.010	Health Care Plan	39 MoReg 5	39 MoReg 74		
22 CSR 10-2.020	Health Care Plan	39 MoReg 7	39 MoReg 75		
22 CSR 10-2.030	Health Care Plan	39 MoReg 13	39 MoReg 81		
22 CSR 10-2.045	Health Care Plan	39 MoReg 15	39 MoReg 83		
22 CSR 10-2.051	Health Care Plan	39 MoReg 16	39 MoReg 84		
22 CSR 10-2.052	Health Care Plan	39 MoReg 17	39 MoReg 87		
22 CSR 10-2.053	Health Care Plan	39 MoReg 18	39 MoReg 89		
22 CSR 10-2.054	Health Care Plan	39 MoReg 20R	39 MoReg 92R		
22 CSR 10-2.055	Health Care Plan	39 MoReg 20R	39 MoReg 92R		
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22 CSR 10-2.060	Health Care Plan	39 MoReg 31	39 MoReg 105		
22 CSR 10-2.070	Health Care Plan	39 MoReg 33	39 MoReg 106		
22 CSR 10-2.075	Health Care Plan	39 MoReg 34	39 MoReg 107		
22 CSR 10-2.089	Health Care Plan	39 MoReg 36	39 MoReg 109		
22 CSR 10-2.090	Health Care Plan	39 MoReg 38	39 MoReg 113		
22 CSR 10-2.094	Health Care Plan	38 MoReg 1524	38 MoReg 1557	39 MoReg 460	
22 CSR 10-2.110	Health Care Plan		39 MoReg 115		
22 CSR 10-2.120	Health Care Plan	38 MoReg 1525	38 MoReg 1559	39 MoReg 460	
22 CSR 10-2.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1420R	38 MoReg 2096R	
22 CSR 10-2.140	Health Care Plan	39 MoReg 41	39 MoReg 116		
22 CSR 10-3.010	Health Care Plan	39 MoReg 42	39 MoReg 119		
22 CSR 10-3.020	Health Care Plan	39 MoReg 42	39 MoReg 119		
22 CSR 10-3.045	Health Care Plan	39 MoReg 44	39 MoReg 120		
22 CSR 10-3.053	Health Care Plan	39 MoReg 45	39 MoReg 121		
22 CSR 10-3.054	Health Care Plan	39 MoReg 46R	39 MoReg 125R		
22 CSR 10-3.055	Health Care Plan	39 MoReg 46	39 MoReg 125		
22 CSR 10-3.056	Health Care Plan	39 MoReg 48	39 MoReg 126		
22 CSR 10-3.057	Health Care Plan	39 MoReg 48R	39 MoReg 128R		
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22 CSR 10-3.060	Health Care Plan	39 MoReg 59	39 MoReg 141		
22 CSR 10-3.075	Health Care Plan	39 MoReg 61	39 MoReg 142		
22 CSR 10-3.090	Health Care Plan	39 MoReg 64	39 MoReg 145		
22 CSR 10-3.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1423R	38 MoReg 2096R	

# Emergency Rule Table

Agency	Publication	Effective	Expiration
<b>Department of Transportation</b>			
<b>Traffic and Highway Safety Division</b>			
7 CSR 60-2.010	Definitions . . . . .38 MoReg 1591	. . . .Oct. 1, 2013	. . .March 29, 2014
7 CSR 60-2.020	Approval Procedure . . . . .38 MoReg 1593	. . . .Oct. 1, 2013	. . .March 29, 2014
7 CSR 60-2.030	Standards and Specifications . . . . .38 MoReg 1595	. . . .Oct. 1, 2013	. . .March 29, 2014
7 CSR 60-2.040	Responsibilities of Authorized Service Providers . . . . .38 MoReg 1597	. . . .Oct. 1, 2013	. . .March 29, 2014
7 CSR 60-2.050	Breath Alcohol Ignition Interlock Devise Security . . . . .38 MoReg 1600	. . . .Oct. 1, 2013	. . .March 29, 2014
<b>Department of Labor and Industrial Relations</b>			
<b>Division of Employment Security</b>			
8 CSR 10-3.150	Fraud Penalties on Federal and State Benefits . . . . .38 MoReg 1515	. . . .Oct. 1, 2013	. . .March 29, 2014
8 CSR 10-4.210	Prohibition on the Non-Charging Benefits . . . . .38 MoReg 1516	. . . .Oct. 1, 2013	. . .March 29, 2014
<b>Department of Revenue</b>			
<b>Director of Revenue</b>			
12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .38 MoReg 1965	. . . .Jan. 1, 2014	. . . .June 29, 2014
<b>Department of Social Services</b>			
<b>Family Support Division</b>			
13 CSR 40-100.040	State Directory of New Hires . . . . .38 MoReg 1601	. . .Sept. 26, 2013	. . .March 24, 2014
<b>MO HealthNet Division</b>			
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates . . . . .April 1, 2014 issue	.March 1, 2014	. . . .May 31, 2014
13 CSR 70-10.160	Public/Private Long-Term Care Services and Supports Partnership Supplemental Payment to Nursing Facilities . . . . .38 MoReg 1520	. . . .Sept. 7, 2013	. . . .March 5, 2014
<b>Retirement Systems</b>			
<b>Missouri Local Government Employees' Retirement System (LAGERS)</b>			
16 CSR 20-2.060	Correction of Errors . . . . .39 MoReg 436	. . . .Jan. 2, 2014	. . . .June 30, 2014
<b>Department of Health and Senior Services</b>			
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19 CSR 25-30.031	Type II Permits . . . . .38 MoReg 1602	. . .Sept. 15, 2013	. . .March 13, 2014
19 CSR 25-30.050	Approved Breath Analyzers . . . . .38 MoReg 1604	. . .Sept. 15, 2013	. . .March 13, 2014
19 CSR 25-30.060	Operating Procedures for Breath Analyzers . . . . .38 MoReg 1604	. . .Sept. 15, 2013	. . .March 13, 2014
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22 CSR 10-2.010	Definitions . . . . .39 MoReg 5	. . . .Jan. 1, 2014	. . . .June 29, 2014
22 CSR 10-2.020	General Membership Provisions . . . . .39 MoReg 6	. . . .Jan. 1, 2014	. . . .June 29, 2014
22 CSR 10-2.030	Contributions . . . . .39 MoReg 13	. . . .Jan. 1, 2014	. . . .June 29, 2014
22 CSR 10-2.045	Plan Utilization Review Policy . . . . .39 MoReg 15	. . . .Jan. 1, 2014	. . . .June 29, 2014
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges . . . . .39 MoReg 16	. . . .Jan. 1, 2014	. . . .June 29, 2014
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .39 MoReg 17	. . . .Jan. 1, 2014	. . . .June 29, 2014
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges . . . . .39 MoReg 18	. . . .Jan. 1, 2014	. . . .June 29, 2014
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22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges . . . . .39 MoReg 20	. . . .Jan. 1, 2014	. . . .June 29, 2014
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges . . . . .39 MoReg 21	. . . .Jan. 1, 2014	. . . .June 29, 2014
22 CSR 10-2.060	PPO 300 Plan, PPO 600 Plan, and HDHP Limitations . . . . .39 MoReg 31	. . . .Jan. 1, 2014	. . . .June 29, 2014

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22 CSR 10-2.070	Coordination of Benefits . . . . .	.39 MoReg 33 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-2.075	Review and Appeals Procedure . . . . .	.39 MoReg 34 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members . . . . .	.39 MoReg 36 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-2.090	Pharmacy Benefit Summary . . . . .	.39 MoReg 38 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations . . . . .	.38 MoReg 1524 . . . . .	Oct. 1, 2013 . . . . .	March 29, 2014
22 CSR 10-2.120	Wellness Program . . . . .	.38 MoReg 1525 . . . . .	Oct. 1, 2013 . . . . .	March 29, 2014
22 CSR 10-2.140	Wellness Center Provisions, Charges, and Services . . . . .	.39 MoReg 41 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.010	Definitions . . . . .	.39 MoReg 42 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.020	General Membership Provisions . . . . .	.39 MoReg 42 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.045	Plan Utilization Review Policy . . . . .	.39 MoReg 44 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 45 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.054	PPO 2000 Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 46 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.055	High Deductible Health Plan Provisions and Covered Charges . . . . .	.39 MoReg 46 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 48 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 48 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 49 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.060	PPO 600, PPO 1000 Plan, and HDHP Limitations . . . . .	.39 MoReg 59 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.075	Review and Appeals Procedure . . . . .	.39 MoReg 61 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014
22 CSR 10-3.090	Pharmacy Benefit Summary . . . . .	.39 MoReg 64 . . . . .	Jan. 1, 2014 . . . . .	June 29, 2014



# Executive Orders

Executive Orders	Subject Matter	Filed Date	Publication
<b>2014</b>			
<b>14-01</b>	Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491
<b>2013</b>			
<b>13-14</b>	Orders the Missouri Department of Revenue to follow sections 143.031.1 and 143.091, RSMo, and require all taxpayers who properly file a joint federal income tax return to file a combined state income tax return.	Nov. 14, 2013	38 MoReg 2085
<b>13-13</b>	Advises that state offices will be closed on Friday November 29, 2013.	Nov. 1, 2013	38 MoReg 1859
<b>13-12</b>	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
<b>13-11</b>	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
<b>13-10</b>	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
<b>13-09</b>	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
<b>13-08</b>	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
<b>13-07</b>	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
<b>13-06</b>	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
<b>13-05</b>	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
<b>13-04</b>	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
<b>13-03</b>	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
<b>13-02</b>	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
<b>13-01</b>	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461

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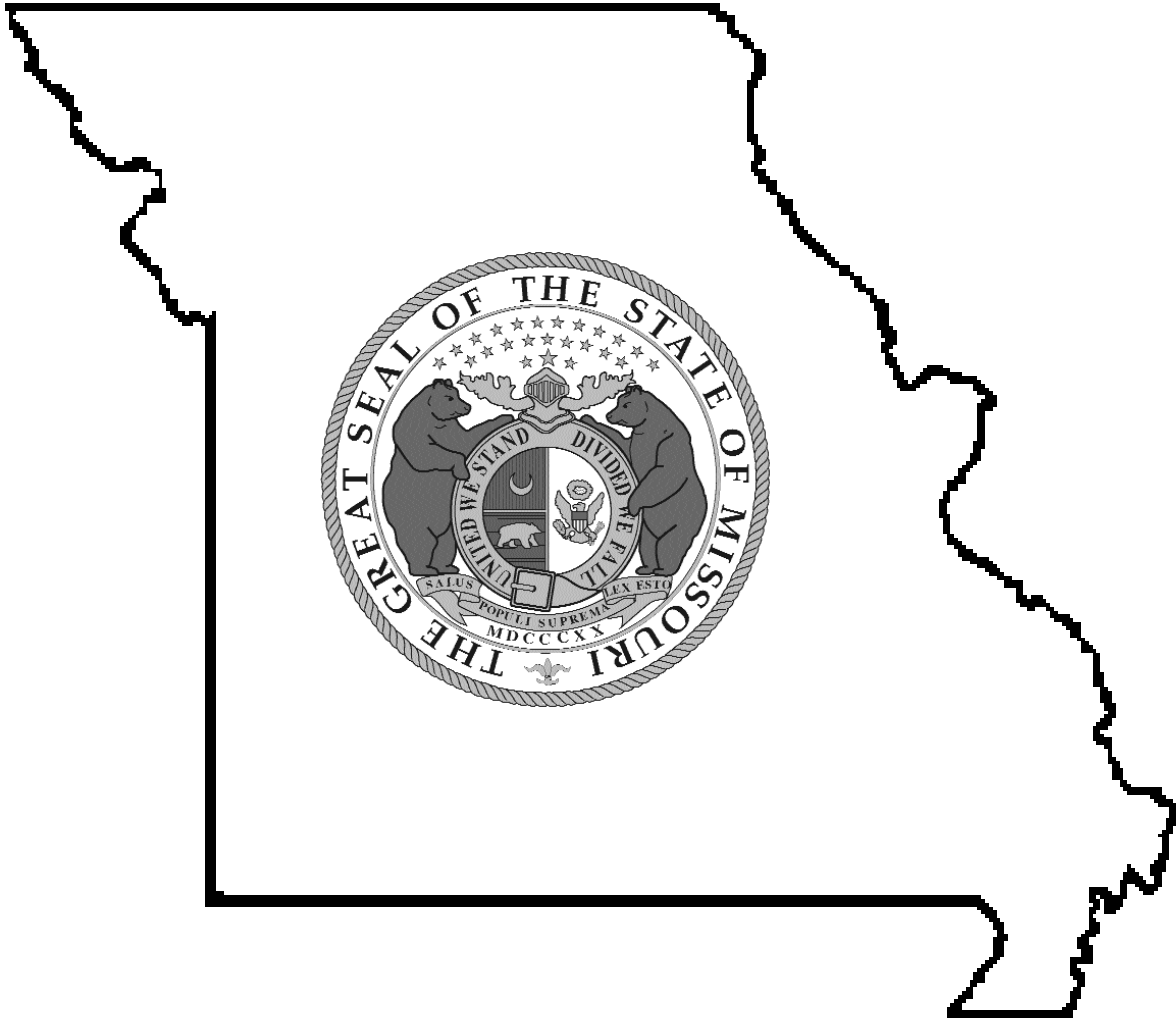
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### **Administrative Rules Contact Information**

**General Inquiries**

(573) 751-4015  
rules@sos.mo.gov

**Waylene Hiles, Director**

(573) 751-1869  
waylene.hiles@sos.mo.gov

**Curtis W. Treat, Managing Editor**

(573) 751-2022  
curtis.treat@sos.mo.gov

**Abbey Rimel, Editor**

(573) 522-2593  
abbey.rimel@sos.mo.gov

**Amanda McKay, Assoc. Editor**

(573) 751-1818  
amanda.mckay@sos.mo.gov

**Vonne Kilbourn, Assistant Editor**

(573) 751-2196  
vonne.kilbourn@sos.mo.gov

**Jacqueline D. White, Publications**

(573) 526-1259  
jacqueline.white@sos.mo.gov

**Alisha Dudenhoeffer, Administrative Assistant**

(573) 751-4015  
alisha.dudenhoeffer@sos.mo.gov